Second Addendum to
Initial Study/Mitigated Negative Declaration

785 – 807 The Alameda
Mixed-Use Project
File Nos.: PDC 15-003, PD15-003 and PT15-005

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

April 2015

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 BACKGROUND INFORMATION

On August 20, 2013, the City of San José adopted a Mitigated Negative Declaration under Resolution Number 76762 for which an Initial Study was prepared for the 785-807 The Alameda Mixed-Use Project (referred to herein as "project") in accordance with the California Environmental Quality Act (CEQA). The project analyzed in the Initial Study/Mitigated Negative Declaration (2013 IS/MND) consisted of two (2) project alternatives: The first project alternative (referred to herein as "Option 1") proposed to develop a five-story building between 31 and 98 residential units and a minimum of 7,395 square feet (s.f.) of commercial space on the 1.04-acre project site; implementation of Option 1 required an Amendment to the *Envision San José 2040 General Plan* (GPA), Planned Development Rezoning, and Planned Development Permit. The *Envision San Jose 2040 General Plan* (referred to herein as "General Plan") Land Use Designation would have changed from *Mixed Use Commercial* (up to 50 dwelling units per acre [du/ac], 0.5 to 3.0 floor area ratio (FAR) [one (1) to six (6) stories]) to *Urban Residential* (30-95 du/ac, 1.0 to 4.0 FAR, three (3) to 12 stories) under Option 1. A maximum building height of 65 feet and one (1) level of below ground parking was assumed for this option.

The second project alternative (referred to herein as "Option 2") proposed to develop a five-story building with up to 70 residential units and a minimum of 22,651 s.f. of commercial space;[1] Option 2 required a Planned Development Rezoning and Planned Development Permit. A building height of 65 feet and one (1) level of below ground parking was also assumed for Option 2. Under the then-existing *Mixed Use Commercial* General Plan designation which allows up to 50 units per acre, up to 52 units would normally be allowed on the 1.04-acre site. As prescribed in California Density Bonus law, because the project proposed to reserve 11 percent or six (6) of the 52 units for Very Low Income residents, the project was eligible for an up to a 35 percent density bonus, for a total of up to 70 dwelling units. The amount of the density bonus (from five percent up to 35 percent) is determined by the percentage of affordable units provided at income levels defined by the City as Very Low, Low, or Moderate.

The City adopted the 2013 IS/MND (in August 2013) and approved Option 2 described above, specifically a Planned Development Rezoning (File Number PDC13-007; Ordinance Number: 76762) from the *CG – Commercial General* and *LI - Light Industrial Zoning Districts* to the *A(PD) Planned Development Zoning District* with an approved residential density of 67.3 du/ac and Planned Development Permit (File Number: PD13-010) to allow for development of up to 70 attached residential units and 22,651 square feet (s.f.) of commercial use for the project site. The project's entitlements were to allow for an overall building height of 65 feet with some allowance for minor architectural features, such as the proposed entry tower element as the elevator tower, to project up to 75 feet. The Option 2 entitlement was not implemented and building permits were not ever filed.

In July 2014 (subsequent to the City's adoption of the 2013 IS/MND and approval of Option 2), an Addendum (referred to herein as "First Addendum") was prepared for a third alternative (referred to herein as "Option 3) for the project to evaluate environmental impacts anticipated from the implementation of project Option 3. Option 3 would entail the development of 140 attached

[1] 22,651 s.f./0.5 FAR is the minimum FAR requirement for the project's commercial uses.

residential units and 22,866 s.f.[2] of commercial uses. A maximum building height of 75 feet at the highest architectural feature (parapet) and 82 feet for the top of the elevator tower and two (2) levels of below grade parking was proposed for the project. The applicant requested a GPA, a Planned Development Rezoning, and Planned Development Permit. The GPA would have changed the site's previous General Plan land use designation from *Mixed Use Commercial* to *Transit Residential* (50-250 du/ac, FAR 2.0 to 12.0 [five (5) to 25 stories]).

Subsequent to the completion of the First Addendum (in July 2014), the project site's General Plan land use designation was changed from *Mixed Use Commercial* to *Urban Village*, in accordance with the City's adoption of the Diridon Station Area Plan (DSAP) in June 2014. The current *Urban Village* land use designation allows for a density up to 250 dwelling units per acre, and 0.5 FAR to 10 FAR for commercial uses. The project site is designated as an *Urban Village* within the Northern Zone of the DSAP. The DSAP allows the site to be developed to a maximum of 90 feet; the proposed site plan depicts a maximum building height of 82 feet.

The City Council adopted a Planned Development Rezoning Ordinance (PDC14-020) for Option 3 in August 2014 and approved a Planned Development Permit (PD14-016 – Resolution No. 77150) in September 2014 to allow for the development of 140 dwelling units (134.6 DU/AC) and 22,866 s.f. of commercial space. The Option 3 entitlement has yet to be implemented and building permits have not yet been filed.

The applicant is currently proposing a fourth alternative (referred to herein as "Option 4) for the project to allow for the development of 168 attached residential units and 22,660 s.f. of commercial uses (which meets the 0.5 FAR/22,651 s.f. minimum for commercial uses). A maximum building height of 80.5 feet at the highest architectural feature (parapet) and 82 feet for the top of the elevator tower and two (2) levels of below grade parking is proposed for Option 4. The project would retain its current *Urban Village* General Plan/DSAP land use designation. This option would require a Planned Development Rezoning and a Planned Development Permit.

The adopted 2013 IS/MND evaluated the environmental impacts that might reasonably be anticipated to result from the implementation of the project Options 1 and 2. This Second Addendum has been prepared to evaluate the environmental impacts that may result from the implementation of the project Option 4 and confirm whether any new significant impacts or a substantial increase in the severity of previously identified impacts would result from this new option.

[2] A 0.5 FAR or 22, 651 s.f. is the minimum requirement for commercial uses for this site.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

785-807 The Alameda Mixed-Use Project (PDC 15-003)

2.2 PROJECT LOCATION

The 1.04 acre project site is located on the north side of The Alameda across from Wilson Avenue in San José, California. The location and boundaries of the project site are the same as the project location and boundaries illustrated in the 2013 IS/MND. The project site is bordered by the Arena Hotel to the west, The Alameda to the south, and Whole Foods Market (retail store) to the north and east. The Whole Foods Market was not yet constructed when the 2013 IS/MND was adopted. The retail store has been in operation since December 2014.

The location of the site and surrounding land uses are included in Figure 2.2-1 Regional Map, Figure 2.2-2 Vicinity Map and Figure 2.2-3 Aerial Photograph of the 2013 IS/MND.

2.3 LEAD AGENCY AND CONTACTS

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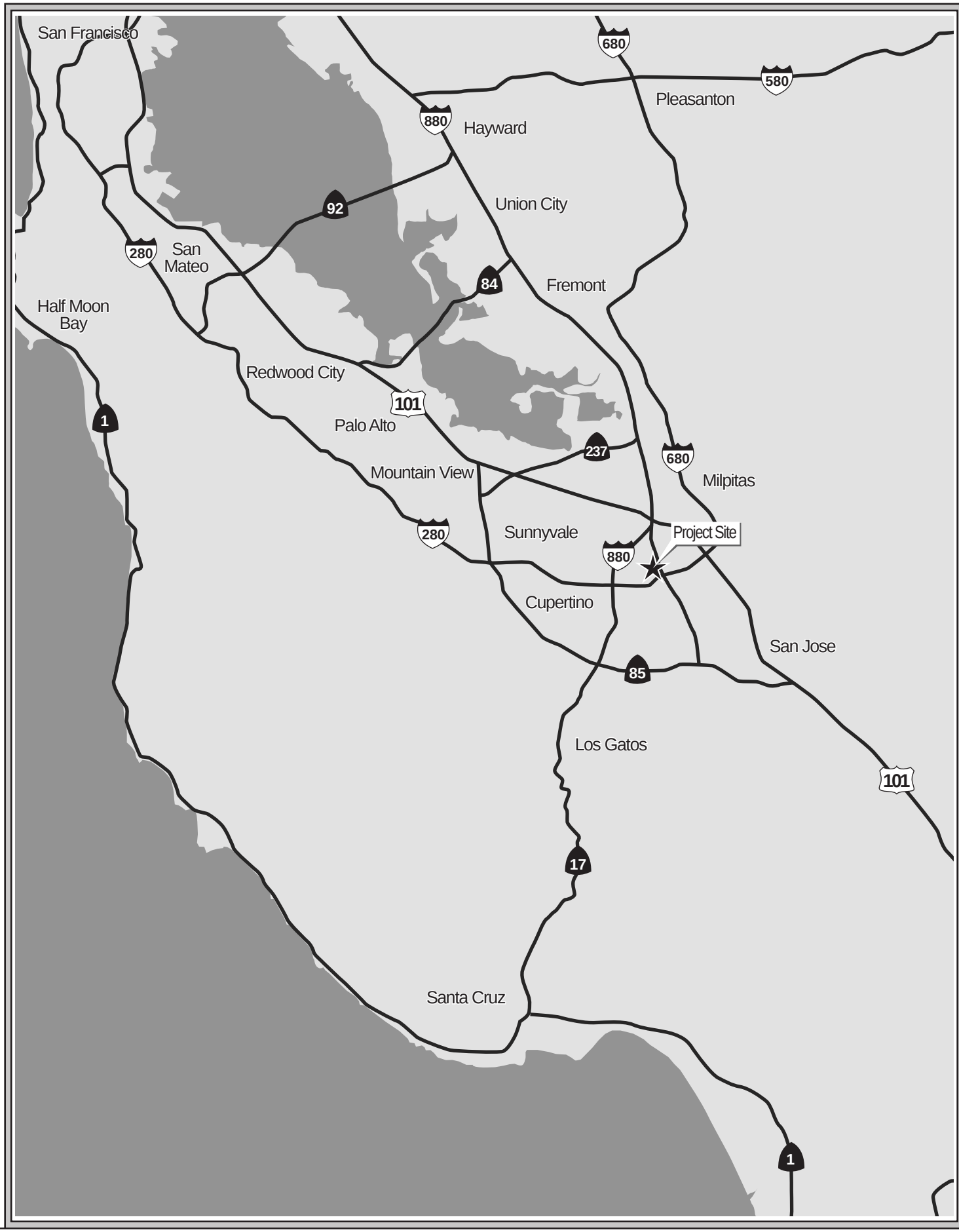
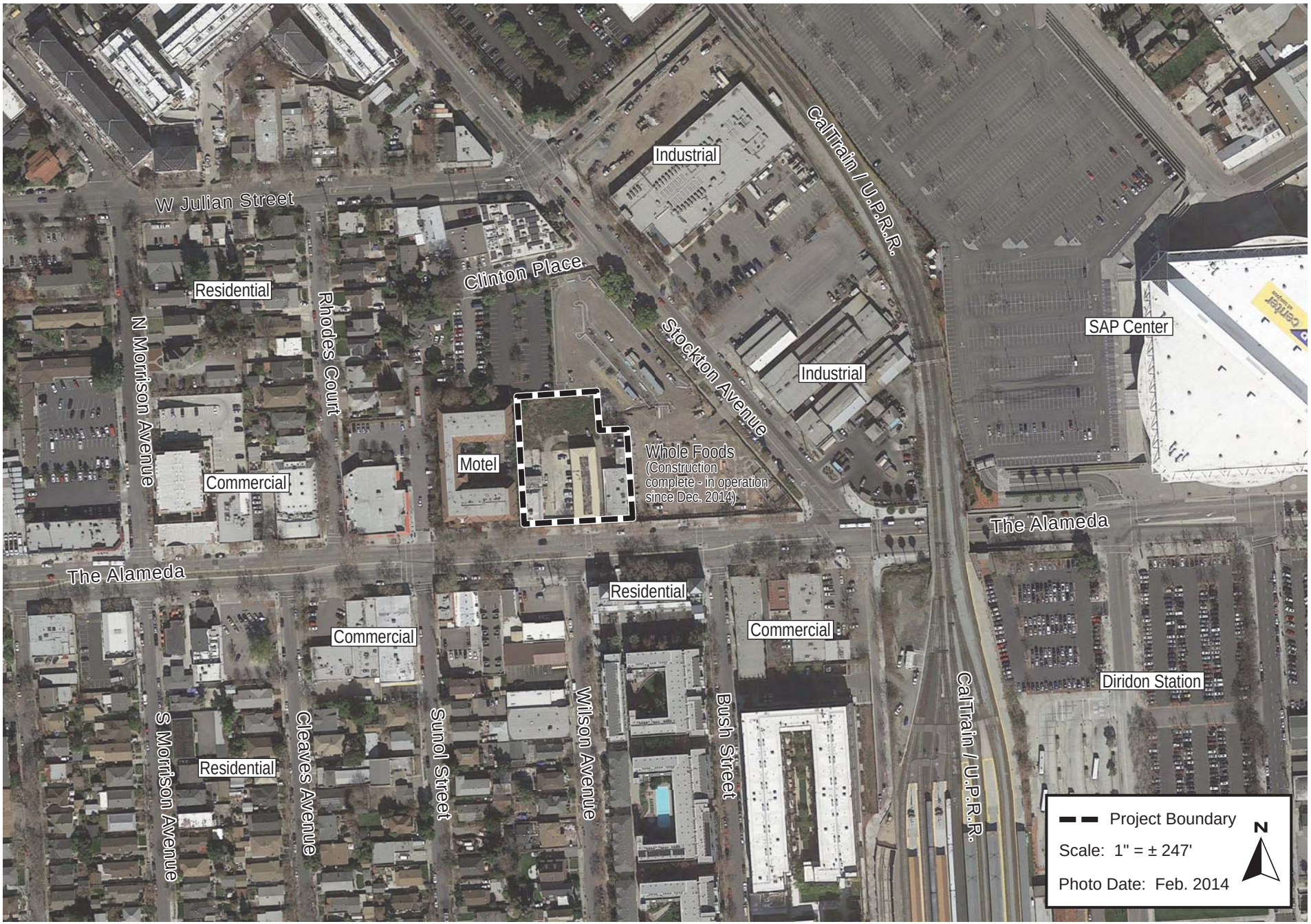


REGIONAL MAP FIGURE 2.2-1

VICINITY MAP FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3

2.4 PROJECT APPLICANT

Dan Mountsier
Chandler Pratt & Partners
1346 El Solyo Avenue
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(408) 590-4702

2.5 ASSESSOR'S PARCEL NUMBERS

261-01-003
785 The Alameda
San José, CA 95126

261-01-004
789 The Alameda
San José, CA 95126

261-01-005
801 The Alameda
San José, CA 95126

261-01-006
807 The Alameda
San José, CA 95126

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

Zoning District: The existing zoning for the project site's four (4) parcels (APNs: 261-01: -003, -004, -005, and -006) is *A(PD) Planned Development Zoning District*, File No. PDC 14-020 (approved residential density of 134.6 du/ac).

General Plan Designation/Diridon Area Station Plan: The project site is currently designated as *Urban Village* (up to 250 dwelling units per acre, 0.5 to 10 FAR, and a maximum building height of 90 feet) within the Northern Zone of the adopted Diridon Station Area Plan (adopted in June 2014).

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

Planned Development Rezoning, File Number PDC15-003
Planned Development Permit, File Number PD15-003
Tentative Subdivision/Condo Map, File Number PT15-005
Grading and Building Permits (applications will be submitted subsequent to environmental review)

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

This Addendum evaluates Option 4 for the project, which would allow for the development of 168 attached residential units and 22,660 s.f. of commercial uses.

3.1.1 Environmental Setting

As stated in the 2013 IS/MND, the 1.04-acre project site is comprised of four (4) parcels (APN: 261-01-003, -004, -005, and -006) and includes three (3) primary buildings and several ancillary structures throughout the site. All of the existing buildings and hardscape would be demolished and removed as part of the project. There are 10 trees on the project site and four (4) street trees in front of the project site along The Alameda. All of the trees would be removed as part of the project except three (3) of the street trees.

The project site is bordered by the Arena Hotel to the west, The Alameda and a high-density residential development (with ground floor retail) to the south, and Whole Foods Market (retail store) to the north and east. The Whole Foods Market was not yet constructed when the 2013 IS/MND was adopted. The retail store has been in operation since December 2014. The Union Pacific Railroad and Caltrain tracks are located 560 east of the project site.

3.2 PROPOSED DEVELOPMENT

3.1.2.1 *Option 4: 168-Unit Residential and 22,660 s.f. of Commercial Space*

This new project option entails construction of up to 168 residential units and 22,660 s.f. of commercial uses,[3] and common open space in one (1) building (refer to Figures 3.1-1 and 3.1-2). The project consists of seven (7) floors above ground: a non-residential ground floor level and a podium level with residential and non-residential space, and five (5) floors of housing above. The proposed development would consist of approximately 22,660 s.f. of commercial uses including retail and business support spaces on the ground floor, podium and mezzanine levels. The residential units are proposed on the podium level, mezzanine level, and the second through fifth floors. Preliminary floor plans indicate an approximate unit mix of 29 studio units, 110 one-bedroom units, and 29 two-bedroom units. All residential units would have a private balcony either facing an interior courtyard or facing out from the exterior of the building. A courtyard patio, a fitness center, and residential amenity spaces on the podium level, and a lobby on the ground floor level would also be available to residents of the proposed development. Landscaping including trees and shrubs are planned for the courtyard patio area. The proposed building height varies in elevation, but at the maximum would be at 82 feet in height (refer to Figure 3.1-3).

Vehicles would access the parking areas from a new 21.8-foot wide driveway along the east end of the project site from The Alameda. Parking would be located on the ground floor of the building and two (2) subterranean levels. The project would conform to the General Plan parking policies and the number of required bicycle, motorcycle and vehicular parking would conform to the Zoning Code

[3] The project meets the minimum 0.5 FAR requirement (22,651 s.f.) for commercial uses.

(City San Jose Municipal Code Title 20) requirements at the *Planned Development Permit* stage. The residential parking area would be separated from the commercial parking area by a security gate.

The project would require approximately 35,000 cubic yards of soil to be exported off the site during construction with no import of soil required for construction. Construction is estimated to be completed in approximately 26 months. The duration of heavy construction (i.e., building demolition, excavation, foundation work, or structural framing) is estimated to be less than 12 months.

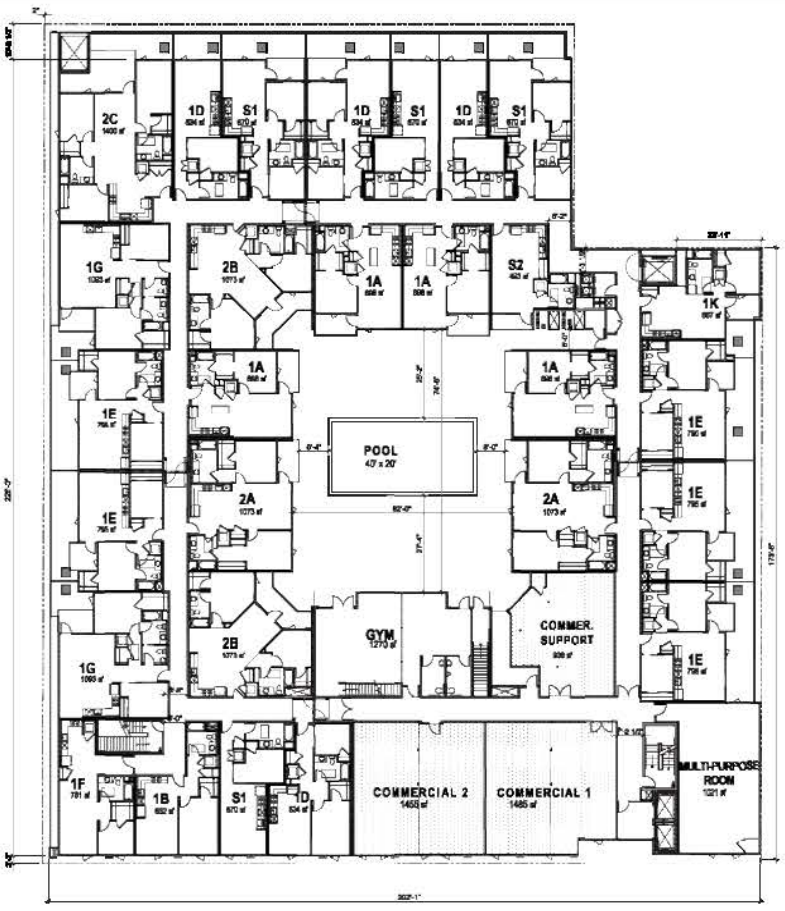
3.1.3 Project Approval Process

Approval of the proposed project (Option 4) requires *Planned Development Rezoning* and a *Planned Development Permit*.

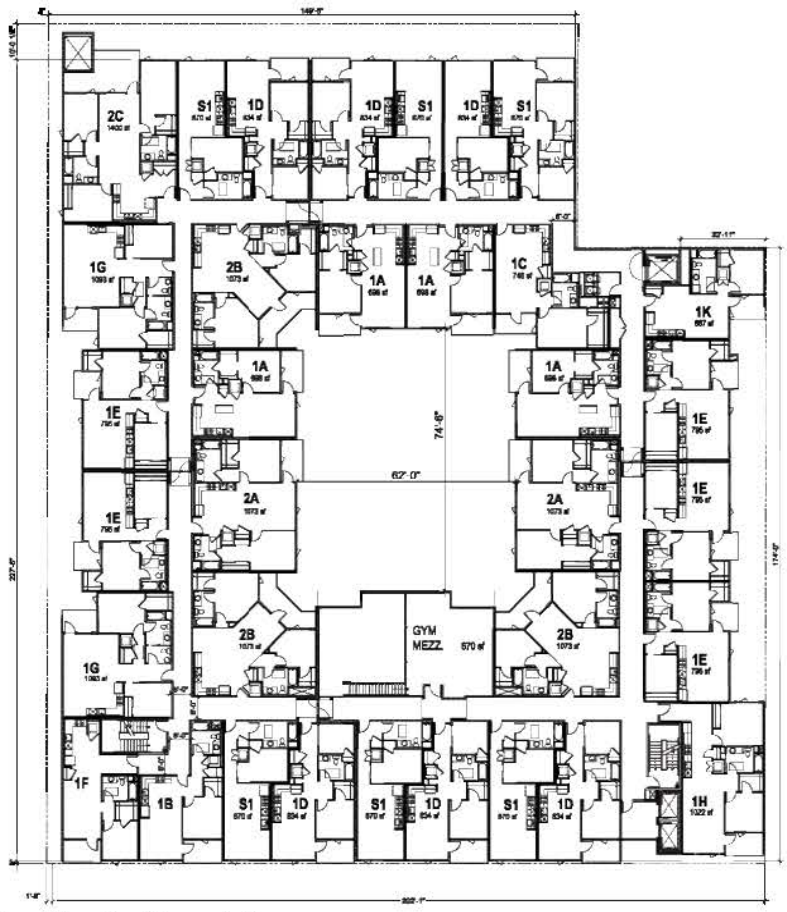
The proposed project would retain its existing General Plan/DSAP land use designation of *Urban Village*[4] within the Northern Zone of the adopted DSAP (adopted in June 2014).

The project applicant is now proposing to rezone the 1.04-acre site from its current *A(PD) Planned Development* Zoning District (approved residential density of 134.6 du/ac*)* to *A(PD) Planned Development (for a residential density of 161.54 du/ac)* Zoning District. The proposed rezoning would allow for the construction of up to 168 residential units, 22,660 s.f. of commercial uses, parking, and resident common areas within one (1) building (refer to Figure 3.1-4).

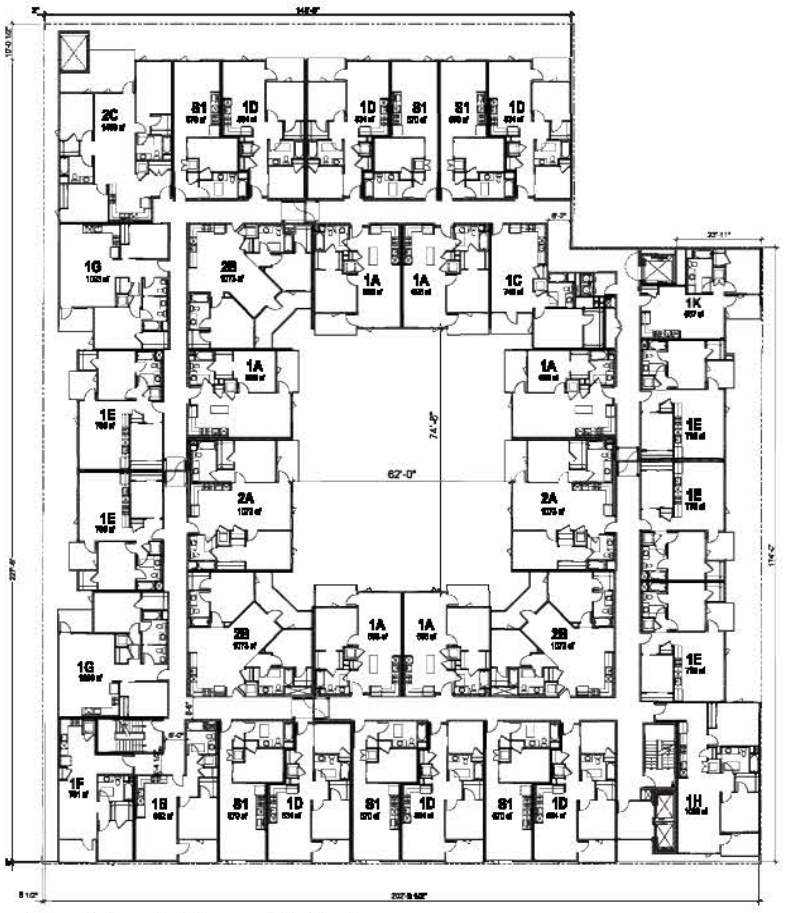
[4] The *Urban Village* land use designation allows up to 250 dwelling units per acre, 0.5 to 10 FAR, and a maximum building height of 90 feet.



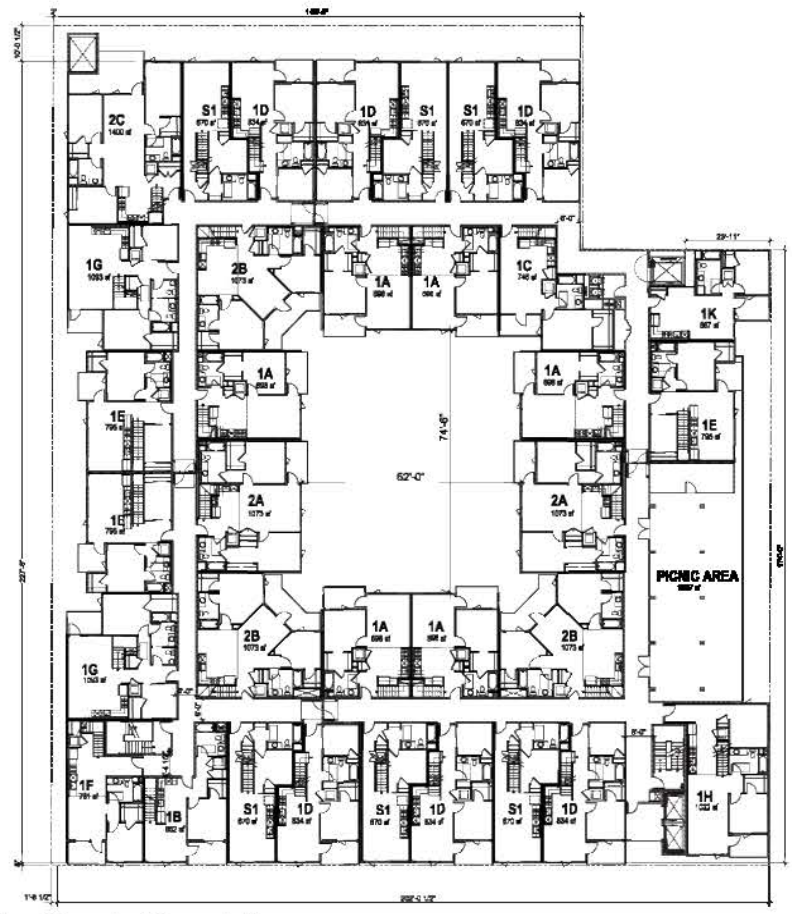
Residential Level 1



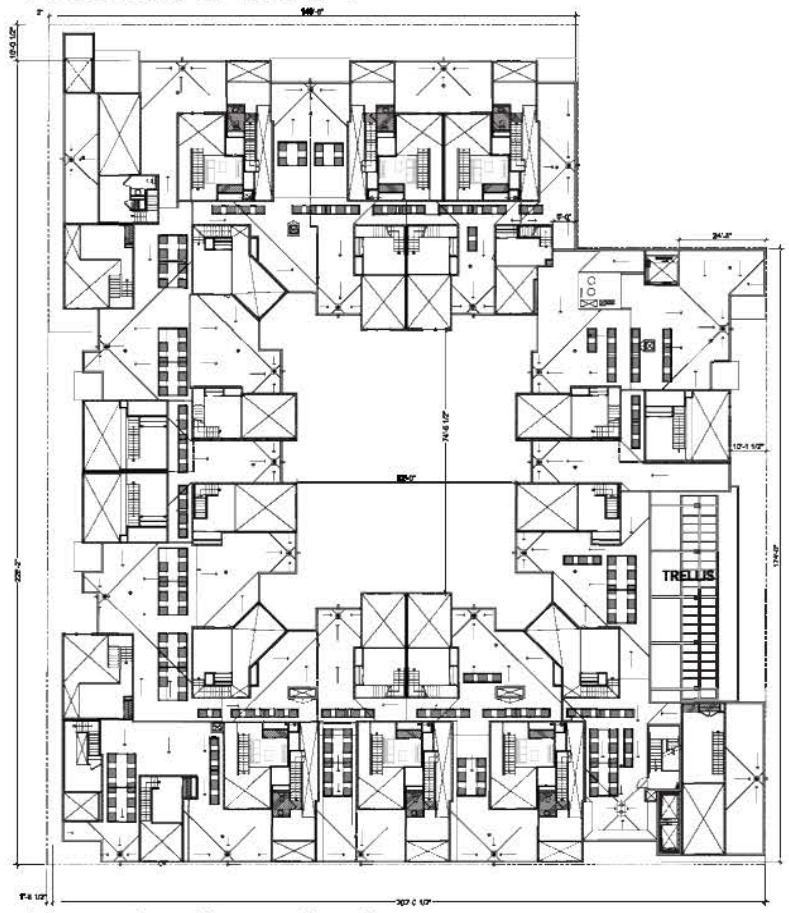
Residential Level 2



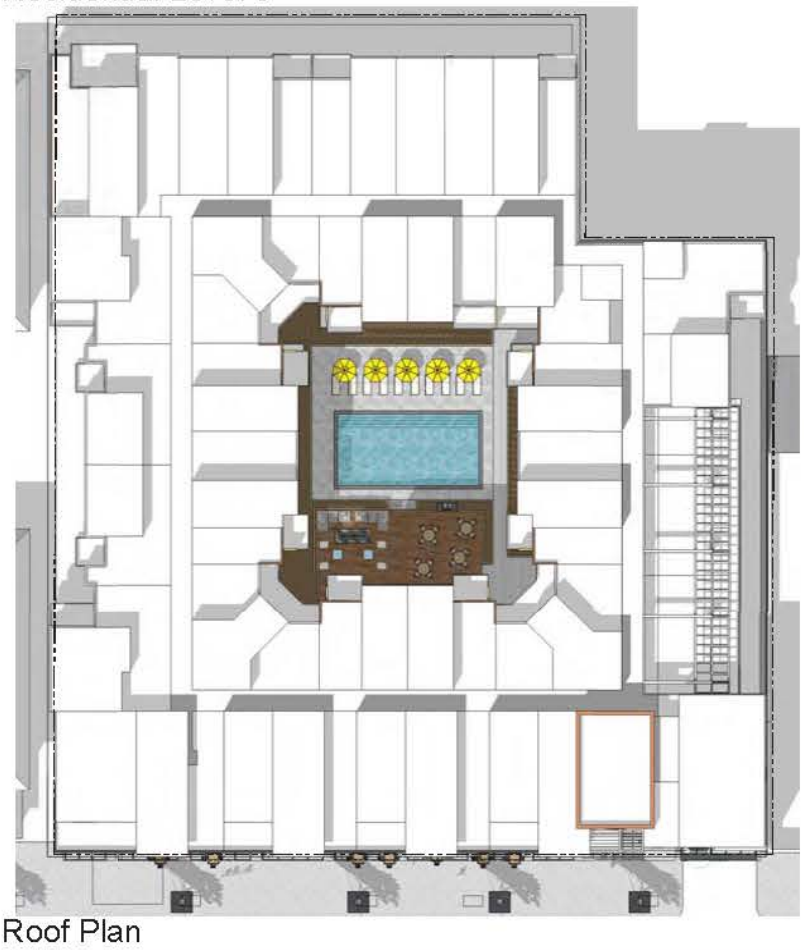
Residential Level 3 & 4



Residential Level 5

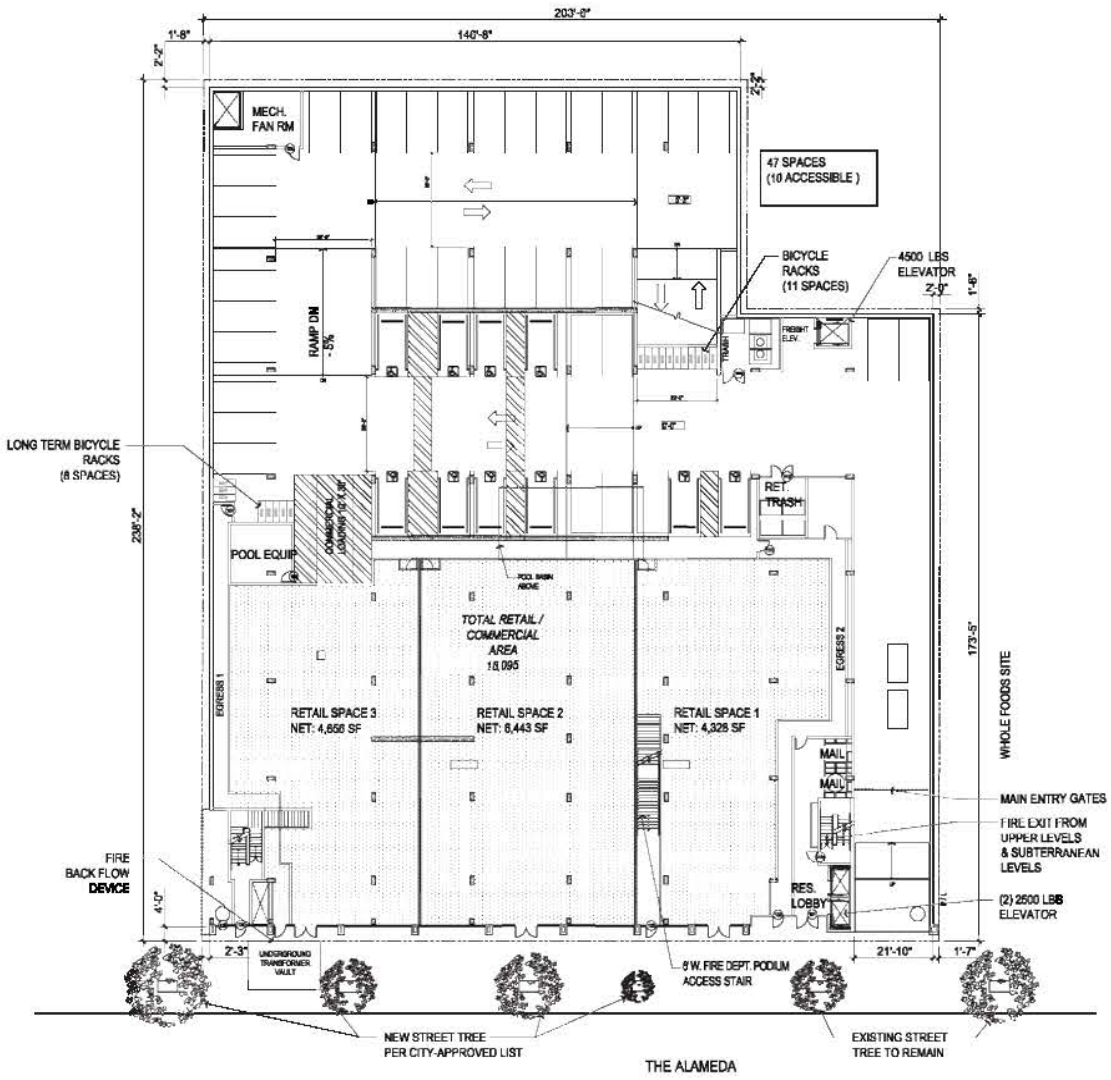


Mezzanine (Lower Roof)

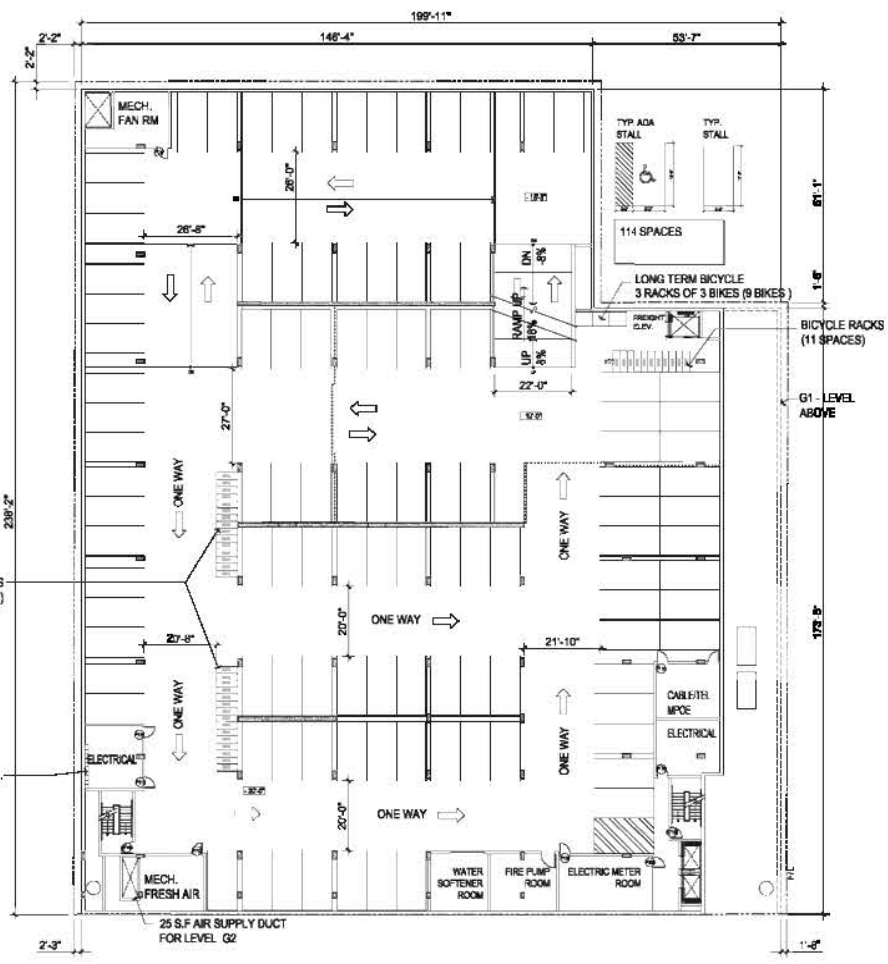


Roof Plan

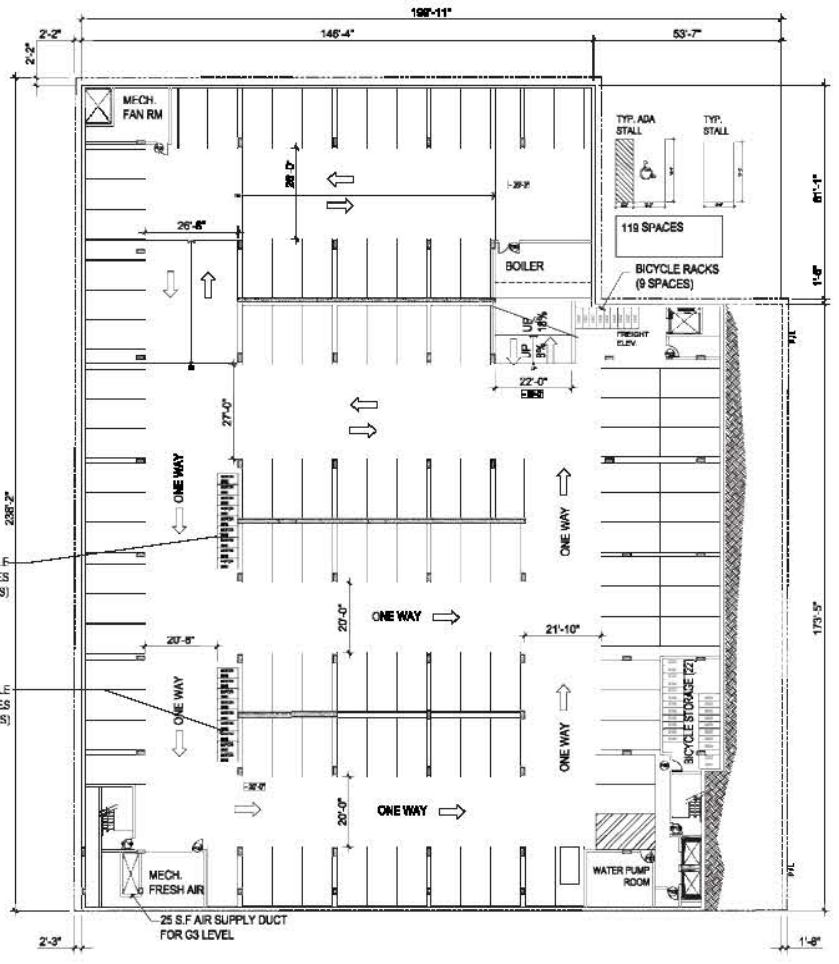
SITE PLAN - OPTION 4: RESIDENTIAL, PODIUM AND ROOF LAYOUTS FIGURE 3.1-1



G1 Level - Ground Floor



G2 Level



G3 Level

SITE PLAN – OPTION 4: GROUND FLOOR AND SUBTERRANEAN GARAGE LEVELS

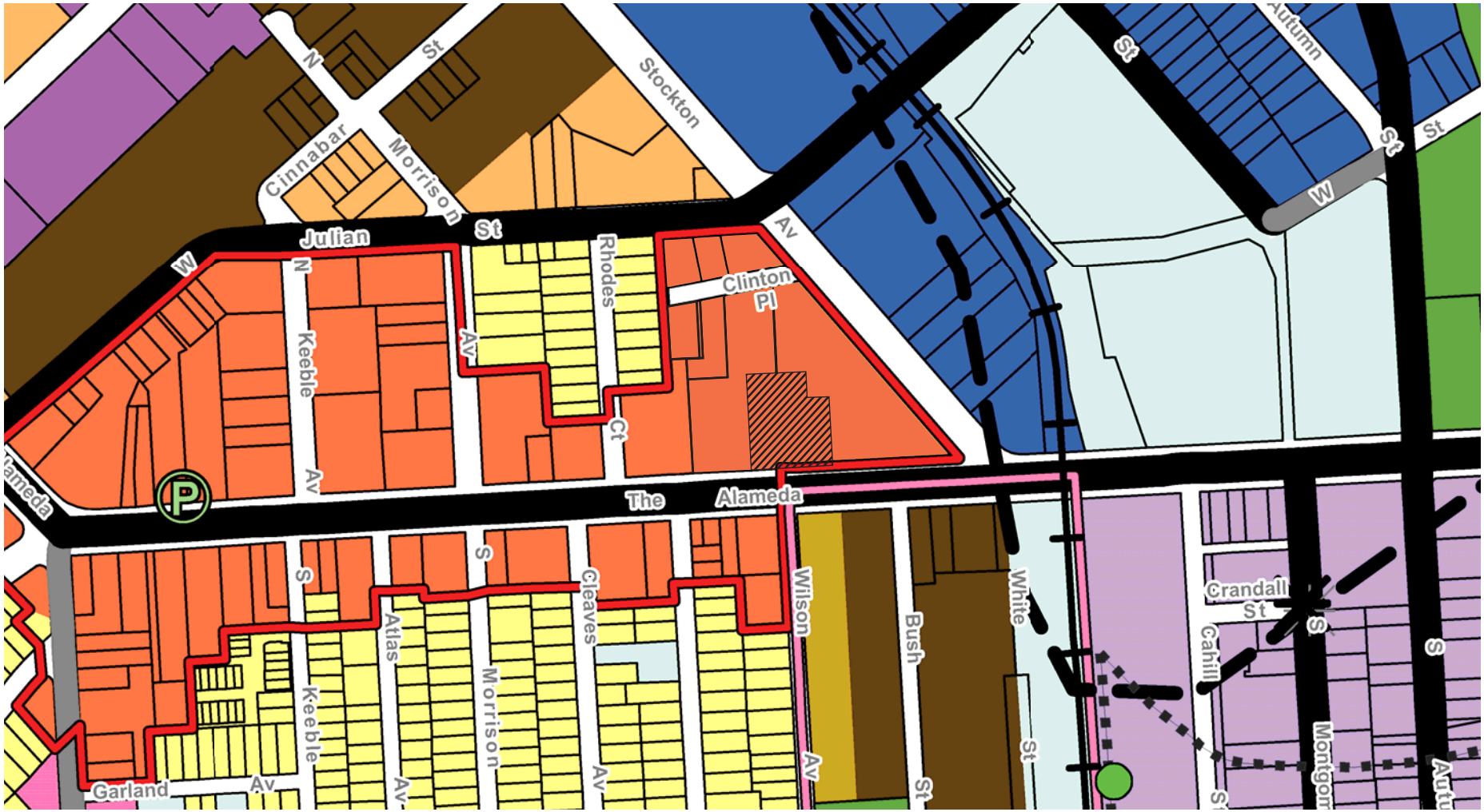
FIGURE 3.1-2

NORTH ELEVATION

SOUTH ELEVATION

EXTERIOR ELEVATION PLAN – OPTION 4

FIGURE 3.1-3



GENERAL PLAN LAND USE DESIGNATION

FIGURE 3.1-4

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370).

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Existing Conditions*

The existing site conditions have not substantially changed since the adoption of the 2013 IS/MND.

As described in the 2013 IS/MND, there are three (3) existing one-story buildings, several ancillary structures, and associated parking located on the developed project site. Approximately 11,315 s.f. (or about 25 percent) of the project site is pervious; the remainder of the site is either paved or covered with structures. The structures include an office building with an updated modern façade, a vacant commercial building with sheet metal siding on the front, and a former deli/bakery stucco and concrete building. Ten small trees are located at the north end of the site and four (4) street trees are located in front of the project site along The Alameda.

The project site is bordered by the Arena Hotel to the west, The Alameda and a high-density residential development (with ground floor retail) to the south, and Whole Foods Market (retail store) to the north and east. The Whole Foods Market lot was vacant and not yet constructed when the 2013 IS/IND was adopted. The retail store has been in operation since December 2014.

4.1.1.2 *Applicable Plans, Policies and Regulations*

Several plans, policies, and regulations discussed in the 2013 IS/MND (regulations from the State Scenic Highways Program and Envision San José General Plan Policies) are also applicable to Project Option 4. As stated in the 2013 IS/MND (in accordance with the State Scenic Highways Program), there are no designated scenic highways visible from the project site, nor scenic vistas or features.

4.1.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1,2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-4
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1,2
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,2

Project Option 4 proposes a residential unit count of 168 units, two (2) levels of subterranean parking, and a maximum building height of 80.5 feet at the top of the parapet and 82 feet at the top of the highest architectural feature (elevator tower). The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.1.2.1 *Impacts to Scenic Vistas and Scenic Resources*

Project Option 4 at seven stories and a maximum building height of 80.5 feet above grade and 82 feet at the top of the highest architectural feature (elevator tower), would not substantially increase the level of impact of the project on scenic vistas and scenic resources and change the prior 2013 IS/MND conclusion for Options 1 and 2.

Most of the City is relatively flat and prominent viewpoints, other than buildings, are limited. The project area in particular has minimal scenic views due to the existing built environment and no designated scenic resources. While the project site is currently developed with one-story buildings, adjacent nearby buildings range from one (1) to four (4) stories in height. Option 4 would allow the site to be developed with high density residential and commercial uses, rather than vacant or underutilized commercial uses. The maximum building height of Option 4 [up to 80.5 feet (top of parapet)/82 feet (top of elevator tower)] is consistent with applicable policies in the General Plan and the DSAP urban design height policies. The construction of a seven-story residential and commercial building on the project site would not significantly diminish any scenic vistas in the

project area or damage any designed scenic resources, because there are limited views and no scenic resources in the project area. **(No Impact [Same as Approved Project])**

Ten small trees would need to be removed to accommodate the new building under Option 4, as would be the case for Options 1 and 2. One (1) street tree would be removed, but replaced in the same location. Trees are considered visual resources in urban environments as they contribute to aesthetic interest and character. The planting of replacement trees in accordance with City policies would offset the aesthetic effects of tree removal. Ten new trees would be planted within the residential common open space areas on the site.
(Less Than Significant Impact [Same as Approved Project])

4.1.2.2 *Impacts to Visual Character*

Features of the proposed Option 4 that differ from Options 1 and 2 include an additional building floor and increased height from 65 feet to 80.5 (top of parapet)/82 feet (top of elevator tower) above grade. As with Options 1 and 2 discussed in the IS/MND, construction of an attractively designed mixed-use residential building on the site under Option 4, in accordance with the design review requirements of the City of San José, would improve aesthetic conditions on-site and within the project area by removing several older buildings and replacing them with a contemporary building designed to be consistent with the neighborhood context.

The Alameda is designated as a Grand Boulevard (Alum Rock Avenue/Santa Clara Street/The Alameda) as part of General Plan Major Strategy #6 – Streetscapes for People. According to the General Plan, adjoining land uses to Grand Boulevards require special design standards to support cohesive and interesting urban development related to the character of the Grand Boulevard. In accordance with General Plan policies CD-1.7, CD-1.11, CD-4.6 and CD-10.2, the applicant proposes a façade with varied finish materials with ground-floor retail and residential entrances oriented toward the public sidewalk and pedestrian amenities, such as new landscaping, lighting, awnings, along the project frontage. Parking and unloading areas would be located within the building and would have limited visibility consistent with General Plan policy CD-1.18.

Development on-site under Option 4 would comply with the adopted plans, policies, and regulations as outlined in the General Plan. As a result, the proposed project would have a less than significant impact on the visual character and quality of the surrounding area.
(Less Than Significant Impact [Same as Approved Project])

4.1.2.3 *Light and Glare and Shading Impacts*

The *Integrated Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan* (referred to herein as "General Plan EIR") concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts.

Consistent with project Options 1 and 2, Option 4 would result in an increase in lighting on the site, although surrounding properties are not likely to be adversely affected. Features of the proposed

Option 4 that differ from Options 1 and 2 include an additional building floor and increased height from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. These changes would not substantially increase the project's light and glare impacts. Lighting on the site would be similar to the existing urban development in the project vicinity, and would comply with the aforementioned *San Jose Envision 2040* General Plan policies and City Council Lighting Policy 4-2. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials.

The project site is adjacent to a two (2)-story hotel, surface parking lots, two (2)-story (approximately 35-foot tall) commercial retail store (Whole Foods Market), and The Alameda. As mentioned above, the proposed building would vary in height, but the maximum would be 80.5 feet (top of parapet)/82 feet (top of elevator tower) in height. Shading from the proposed building would shade adjacent uses at certain times throughout the day; however, none of the adjacent uses (parking lots and commercial buildings) that would be shaded, would be adversely impacted by shading. The proposed project would not shade private or public open space areas.
(Less Than Significant Impact [Same as Approved Project])

4.1.3 Conclusion

Consistent with the conclusion for both Option 1 and 2, Option 4 would not degrade or substantially change the existing visual character or quality of the site and its surroundings. The project would not, therefore, result in significant adverse aesthetic impacts and no mitigation measures are required or proposed. **(Less Than Significant Impact [Same as Approved Project])**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

4.2.1.1 *Existing Agricultural and Forest Resources*

As described in the 2013 IS/MND, the site is designated as *Urban and Built-up Land*, which is defined as developed land with a density of at least six (6) structures per 10 acre parcel, and includes land used for residential, industrial, and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. This designation is based on the *Santa Clara County Important Farmland 2012* map released in August 2014[5] (the 2010 map was referenced in the 2013 IS/MND).

The project site is not designated by the California Resources Agency as farmland of any type, and is not the subject of a Williamson Act contract. The project area is not considered forest land or timberland. The project area is not a forest resource, nor are there forest resources in the surrounding areas.

4.2.1.2 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for this section are consistent with those outlined in Section 4.2.1.2 of the 2013 IS/MND (California Department of Conservation and Board of Forestry and Fire Protection policies and regulations).

4.2.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1,2, 5
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,3

[5] California Department of Conservation. Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmland 2012*. August 2014. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>. Accessed December 23, 2014.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	1,3
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,3
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,3,5

4.2.2.1 *Agricultural and Forest Resources Impacts*

Agricultural and forest impacts from the proposed Option 4 are consistent with these impacts for Options 1 and 2. The project would have no impact on agricultural and forest resources given that the site is currently developed with three (3) buildings and associated ancillary structures. The project would not convert *Prime Farmland, Unique Farmland*, or *Farmland of Statewide Importance* to a non-agricultural use. The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. The proposed development of Option 4 would not interfere with agricultural operations or facilitate unplanned conversion of farmland elsewhere in San José to non-agricultural uses. The project site is not a forest resource, nor are there forest lands in the vicinity. For these reasons, the proposed Option 4 would not result in a significant impact to agricultural or forest resources. **(No Impact [Same as Approved Project])**

4.2.3 Conclusion

Consistent with the conclusion for Options 1 and 2, the implementation of project Option 4 would have no impacts on agricultural or forest resources. **(No Impact [Same as Approved Project])**

4.3 AIR QUALITY

The following discussion is based in part on a *Toxic Air Contaminant Construction Risk Assessment and GHG Emissions Analysis* prepared by Illingworth & Rodkin, Inc. in December 2014, included as Appendix A.

4.3.1 Setting

The following description of the project's air quality setting is consistent with the setting described in the 2013 IS/MND.

4.3.1.1 *Background*

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

4.3.1.2 *Topography and Climate*

The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Diablo Range on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern San Francisco Bay Peninsula toward San José.

The proximity of San José to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Meteorological factors make air pollution potential in the Santa Clara Valley quite high. Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula.

4.3.1.3 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level ozone or State standards for PM_{10} and $PM_{2.5}$. The area is considered attainment or unclassified for all other pollutants.

4.3.1.4 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects.

Common stationary source types of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

4.3.1.5 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medicinal clinics. Existing sensitive receptors near the project site include residential development across The Alameda and residents to the northwest.

4.3.1.5 *Applicable Plans, Policies and Regulations*

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. As required by the Federal Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six (6) major air pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), particulate matter, including respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$), sulfur oxides, and lead. The State of California has also established the California Ambient Air Quality Standards (CAAQS).

The City of San José is within the jurisdiction of the San Francisco Bay Area Air Quality Management District (BAAQMD). BAAQMD is the agency primarily responsible for ensuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (CAP). This CAP updates the most previous ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four (4) categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by State law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. In June 2010, the Air District's Board of Directors adopted CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, toxic air contaminants, odors, and greenhouse gas emissions. The prior version of the guidelines was dated 1999 and the most recent amendment to the updated guidelines was in May 2011.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San José and other Lead Agencies in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

The analysis in this Addendum is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (updated May 2011) and numeric thresholds for the San Francisco Bay Basin, including the thresholds listed in Table 4.3-1.

Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses			
Pollutant	**Construction**	**Operation-Related**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local Carbon Monoxide (CO)	None	9.0 parts per million [ppm] (8-hour average); 20.0 ppm (1-hour average)	
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one (1) million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one (1) million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Odors		Five (5) confirmed complaints per year averaged over three (3) years	
Sources: *BAAQMD Thresholds Options and Justification Report (2009)* and *BAAQMD CEQA Air Quality Guidelines* (dated May 2011).			

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality. In addition, goals and policies throughout the General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management. The General Plan air quality policies and regulations listed in the 2013 IS/MND are applicable to project Option 4.

4.3.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,6,7
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,6,7
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1,6,7
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1,2,6
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,7

Project Option 4 proposes a residential unit count of 168 units, two (2) levels of subterranean parking, and a maximum building height of 80.5 feet at the top of the parapet and 82 feet at the top of the highest architectural feature (elevator tower). The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.3.2.1 *Consistency with an Applicable Air Quality Plan*

Project Option 4 incorporates General Plan policies adopted for the purpose of minimizing vehicle trips and associated air quality impacts through its Land Use Diagram, Design Guidelines, and Transportation Strategies. Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. These control measures are organized into five (5) categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and

Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below.

Table 4.3-2
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	Bike lanes and trails are located throughout project area and the project proposes secure bicycle parking spaces for residents and visitors. The project is, therefore, consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project has been designed to be pedestrian oriented and enhance the pedestrian experience. The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The proposed mixed-use development is located within the pending Diridon Station Area Urban Village within walking distance of existing bus stops, light rail stations, and Diridon Station which is served by Caltrain, Light Rail, ACE train, and bus. The project would place residents within walking distance of jobs, restaurants, and services. Based on the proposed mix of land uses and existing transportation options available to the site, the project is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The proposed project would be required to comply with the City's Green Building Ordinance which would increase building efficiency over standard construction. The project is, therefore, consistent with this control measure.
Energy and Climate Measures		
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project proposes to utilize cool roofs and would be required to comply with the City's Green Building Ordinance which would increase building efficiency over standard construction. The project is, therefore, consistent with this control measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project proposes to plant replacement trees and shrubs within the residential open space areas. The proposed project is, therefore, consistent with this control measure.

Project Option 4 includes transportation and energy control measures and is generally consistent with the CAP. The project, therefore, would not result in a significant impact related to inconsistency with the Bay Area 2010 Clean Air Plan.
(Less Than Significant Impact [Same as Approved Project])

4.3.2.2 *Impacts to Regional and Local Air Quality*

Project Option 4, consisting of up to 168 dwelling units and 22,660 s.f. of commercial space, is below the screening size (494 dwelling units, 99,000 s.f. of retail) for operational criteria pollutants. Project Option 4 would not, therefore, exceed emissions thresholds for criteria pollutants and would have a less than significant impact on regional air quality.

A project would not increase local carbon monoxide levels above California Ambient Air Quality Standards if project traffic levels would not increase at any affected intersection to more than 44,000 vehicles per hour.[6] Traffic volumes at the study intersections during peak periods currently are well below this volume.[7] Project Option 4 would generate 93 trips during the AM peak hour and 120 trips during the PM peak hour and local concentrations of carbon monoxide at affected intersections would not exceed air quality standards.
(Less Than Significant Impact [Same as Approved Project])

4.3.2.3 *Impacts to Sensitive Receptors*

Community Risk Impacts

BAAQMD recommends that projects be evaluated for community risk when they are located within 1,000 feet of stationary permitted sources of TACs, and/or within 1,000 feet of freeways and high traffic volume roadways (10,000 average annual daily trips [AADT] or more).

Mobile Source Emissions

The project site is located within 1,000 feet of The Alameda, Stockton Avenue, and West Julian Street. The Alameda has an AADT of 15,100, Stockton Avenue has 11,600 AADT, and West Julian has an AADT of 10,500. Table 4.3-3 shows the mobile sources of TACs within a 1,000 foot radius of the project site compared to BAAQMD's single-source thresholds for $PM_{2.5}$ or cancer risk (ambient $PM_{2.5}$ increase > 0.3 micrograms per cubic meter ($\mu g/m^3$) or increased cancer risk of >10.0 in one (1) million). Due to the relatively low AADT on these roadways, screening methods indicate that these roadways do not individually exceed BAAQMD single source thresholds.

[6] BAAQMD. 2011. *CEQA Air Quality Guidelines*. Table 2-3, Pages 3-3, 3-4. (Updated May 2011)
[7] Hexagon Transportation Consultants. 2013. *785 The Alameda Mixed-Use Project Transportation Impact Analysis*, May 2013. (see Appendix F).

Table 4.3-3: TACs from Mobile Sources		
Source	**$PM_{2.5}$**	**Cancer Risk**
The Alameda	0.070	6.76
Stockton Avenue	0.15	3.86
West Julian Street	0.070	1.80
BAAQMD Threshold	*0.3 $\mu g/m^3$*	*10 in one (1) million*

For these reasons, implementation of the proposed project is not anticipated to result in significant health risks associated with roadway TACs emissions.

A UPRR/Caltrain line is located approximately 580 feet east of the project site. This rail line is used by trains for passenger and freight service. Caltrain will be electrified in the coming years (funding was approved in 2012), so the emissions from Caltrain will go virtually to zero, although there could be some infrequent freight trains and other commuter trains utilizing diesel. Risk assessments that have been completed for other parts of the train line in Santa Clara and Sunnyvale[8] indicate risk at 500 feet from the train line is about five (5) per million south and three (3) per million north which is below the BAAQMD thresholds. In addition, the project is west of rail tracks and wind data from the nearby San José International Airport indicate that wind from the east is rare. Based on these conditions, the project would not be impacted by mobile source emissions.

Stationary Source Emissions

The BAAQMD Stationary Source Screening Analysis Tool maps several properties within 1,000 feet of the project area that are a source for TAC emissions for cancer risk and $PM_{2.5}$ concentrations. As shown in Table 4.3-4, all of the stationary sources combined are below the thresholds (10 in one (1) million for cancer risk and 0.3 $\mu g/m^3$ for $PM_{2.5}$) for single-source impacts.

Table 4.3-4: Stationary Source Emissions			
Stationary Source	**Address of Source**	**$PM_{2.5}$**	**Cancer Risk**
Barefoot Coffee Roasters	76 Sunol Street	0.011	0.00
California Department of Transportation	The Alameda and Cahill Street	0.0026	1.47
Century Collision and Repair Center	60 Stockton Avenue	0.00	0.00
Fleet Body Worx Inc.	345 N. Montgomery Street	0.00	0.00
Pacific Gas and Electric Company (Plant No. 3100)	308 Stockton Avenue	0.005	0.11
Pacific Gas and Electric Company (Plant No. G7202)	308 Stockton Avenue	NA	0.15
BAAQMD Threshold	-	*0.3 $\mu g/m^3$*	*10 in one (1) million*

[8] City of Santa Clara. 3515-3585 Monroe Street Draft EIR. June 2013 and City of Sunnyvale. Land Use and Transportation Element and Climate Action Plan DEIR.

All of the stationary and mobile source emissions combined are below the cumulative thresholds (100 in one (1) million for cancer risk and 0.8 $\mu g/m^3$ for $PM_{2.5}$) for single-source impacts.

Construction Impacts

Construction activities would temporarily affect local air quality. Construction activities such as demolition, earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality.

Construction TAC Emissions

Construction of the project would result in the generation of TACs, including diesel PM, from trucks and off-road equipment exhaust emissions. The project site is 110 feet from the nearest residence which exceeds the BAAQMD screening criteria (minimum 570 feet from sensitive receptor) for construction ozone precursor emissions; therefore, a TAC health risk assessment was completed for this project.

The BAAQMD CEQA Guidelines consider exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant and an annual $PM_{2.5}$ concentration that exceeds 0.8 $\mu g/m^3$ from cumulative sources to be significant. To reduce TAC emissions during construction, the project would use Tier 2 and Tier 4 engines for large diesel-powered off-road construction equipment used for more than two (2) days. Operation of the Tier 2 and Tier 4 engines would be in accordance with the U.S. Environmental Protection Agency particulate matter emissions standards.

The health risk assessment of the project construction activities evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of diesel particulate matter (DPM)[9], in accordance with GP Policy MS-11.2. The maximum-modeled DPM concentration occurred at the closest receptors south of the construction area at the residences on the second story of the building on the south side of The Alameda.

Dispersion modeling was completed to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and chronic hazards could be predicted. The modeled maximum annual $PM_{2.5}$ concentration is 0.14 $\mu g/m^3$ assuming the use of Tier 4 engines for portable construction equipment (e.g., air compressors, saws, forklifts) and Tier 2 engines for mobile construction equipment over 50hp, which is below the threshold of 0.3 $\mu g/m^3$ used to judge the significance of impacts for $PM_{2.5}$.

With the use of Tier 2 and Tier 4 engines, the maximum excess child cancer risk would be 7.1 cancer cases per million and for adults 1.3 cases per million, below the BAAQMD ten cases per million threshold. Therefore, project Option 4 construction activities would result in less than significant community risk impacts.

[9] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

In addition, these emissions would be temporary (heavy construction is estimated to be less than 12 months and full project construction is estimated to be 26 months).
(**Less Than Significant Impact [Same as Approved Project]**)

Construction Dust Emissions

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

The General Plan EIR concluded that construction emission impacts could be reduced to a less than significant level with the implementation of General Plan policies and existing regulations.

Standard Permit Conditions
Consistent with City policies, the project Option 4 shall be developed in conformance with the General Plan policies listed and the following standard permit conditions during all phases of construction on the project site to reduce dustfall and locally-elevated particulate matter emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three (3) times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

The following best management practices would also be implemented on the project site to reduce fugitive dust and particulate matter emissions to the extent feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer‘s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

(**Less Than Significant Impact [Same as Approved Project]**)

4.3.2.5 *Odor Impacts*

According to the General Plan EIR, there are no odor sources in the project area, although future industrial/commercial uses may involve odor-generating activities. Examples of land uses known to emit odor include coffee roasters, food processing facilities, green waste and recycling facilities, and manufacturing plants.[10] A Whole Foods Market (which includes a brewery) is immediately to the east of the site and has been in operation since December 2014. Existing residential land uses located adjacent to the brewery were determined by the City in approving the brewery to be located an adequate distance to avoid significant odor impacts, in accordance with GP Policy MS-12.2. For these reasons, the proposed project would not expose new sensitive receptors to significant localized sources of odors.

Operation of construction equipment at the project site could also create objectionable odors that may be perceptible at nearby uses. Due to the localized and temporary nature of construction-related odors, the proposed project (Option 4) is not expected to generate odors that would affect a substantial number of people.[11] **(Less Than Significant Impact [Same as Approved Project])**

4.3.3 Conclusion

With the implementation of the City’s Standard Permit Conditions and use of Tier 2 and Tier 4 engines for large diesel-powered construction equipment, the proposed project (Option 4) would have less than significant air quality impacts.
(Less Than Significant Impact [Same as Approved Project])

[10] BAAQMD. *CEQA Air Quality Guidelines*. 2010 (updated in 2012).
[11] BAAQMD does not have a threshold of significance for construction-related odor impacts.

4.4 BIOLOGICAL RESOURCES

The following biological resources analysis for Option 4 summarizes information about the site contained in Section 4.4, *Biological Resources* of the adopted 2013 IS/MND. The discussion below identifies whether the implementation of Option 4 would result in any new or substantially more severe biological resource impacts compared with Options 1 and 2.

4.4.1 Setting

4.4.1.1 *Existing Biological Resources*

The project site's existing biological resources remain as they were described in the 2013 IS/MND. The project site, as stated in the IS/MND, is completely developed and there are no wetlands within or adjacent to the project site. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species.

4.4.1.2 *Applicable Plans, Policies, and Regulations*

The City of San José Tree Ordinance, General Plan policies outlined in the 2013 IS/MND are also applicable to the proposed project Option 4. The only change that has occurred with respect to biological resources since adoption of the 2013 IS/MND is that the Santa Clara Valley Habitat Plan/Natural Community Conservation (HCP/NCCP) has become effective. The project site is now covered by the HCP/NCCP and required to comply with the HCP/NCCP fees and conditions.

Santa Clara Valley Habitat Plan
Habitat Conservation Plan/Natural Community Conservation Plan

The project site is located within the *Santa Clara Valley Habitat Plan* (Habitat Plan) area. The Habitat Plan is both a habitat conservation plan and natural community conservation plan (HCP/NCCP). The Habitat Plan (also referred to as the HCP/NCCP) was developed by the County of Santa Clara, the Cities of San Jose, Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW). The HCP/NCCP provides 'take' authorization (per the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA)) for 18 listed and non-listed species (i.e. covered species). The HCP/NCCP also includes conservation measures to protect all 18 species and a conservation strategy designed to mitigate impacts on covered species and to contribute to the recovery of these species in the study area.

4.4.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2,8
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2,8
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,2
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1,2,8

Project Option 4 proposes a residential unit count of 168 units, two (2) levels of subterranean parking, and a maximum building height of 80.5 feet at the top of the parapet and 82 feet at the top of the highest architectural feature (elevator tower). The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.4.2.1 *Habitat and Wildlife Impacts*

The General Plan EIR concluded that impacts to developed habitats (such as the project site) resulting from proposed development under the General Plan would be less than significant because of their abundance within the region and State, and the relatively low value of these habitats for biological resources compared to more natural, undeveloped habitats. No natural or sensitive habitats exist on or adjacent to the site that would support endangered, threatened, or special status wildlife species. Habitat and wildlife impacts that would occur on the project site under Option 4 (as with Options 1 and 2) due to loss of non-native trees as a result of development of the site would be less than significant. **(Less Than Significant Impact [Same as Approved Project])**

4.4.2.2 *Nesting Bird Impacts*

As stated in the 2013 IS/MND, nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. Raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the trees on-site or adjacent to the site for foraging or nesting. Construction disturbance near nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impacts to nesting birds, if the project develops under Options 4, would be as previously disclosed in the 2013 IS/MND. There are currently ten small landscape trees on the project site. While there is higher quality habitat in nearby parks and within the riparian corridors of Coyote Creek and Guadalupe River, the trees on-site and on the adjacent properties could provide nesting habitat and/or foraging habitat. The loss of trees on-site, as a result of the construction of the project under any of

the options, could result in birds having to relocate (outside of the breeding season) to another site. Relocation of mature raptors or migratory birds outside the breeding season would not, by itself, be significant.

Impact BIO-1: Construction activities associated with the proposed project under Option 4 (as well as Options 1 or 2) could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measures: Consistent with the conditions of approval for Options 1 and 2 (and Option 3), the project proponent shall implement the following measures for Project Option 4 to reduce impacts to nesting birds/raptors to a less than significant level through avoidance or completion of pre-construction/pre-demolition surveys:

MM BIO 1-1: Tree removal and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.

MM BIO 1-2: If this is not possible, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO 1-3: The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of any demolition and/or grading permit.

4.4.2.3 *Trees*

The tree impact analysis for development of the proposed project under Option 4 would result in the loss of ten trees on-site, none of which are regulated by the City Tree ordinance based on size.[12] This is consistent with the analysis for Options 1 and 2 contained in the 2013 IS/MND Section 4.4.2.3, *Trees*. The proposed increase in density, building height and parking associated with Option 4 would not lead to greater loss of trees in that all trees would be removed by any of these options being considered for the site.

[12] The City of San José defines an ordinance-size tree as any tree that measures 18 inches or greater in diameter at 24 inches above the ground surface.

As stated in the IS/MND and consistent with the General Plan EIR, trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

In accordance with City policy, the 10 trees removed would be replaced at a 1:1 ratio with minimum 15-gallon container trees for a total of 10 trees. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. Ten (10) trees are proposed to be planted on-site.

Compliance with local laws, policies or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level.
(Less Than Significant Impact [Same as Approved Project])

4.4.2.4 *Santa Clara Valley Habitat Plan*

As a result of the *Habitat Plan* becoming effective (as of October 2013), the following analysis updates Section 4.4.2.4, *Santa Clara Valley Habitat Plan* in the 2013 IS/MND and is applicable to Options 1, 2, and 4 (as well as approved Project Option 3, i.e. the existing site PD zoning).

Under the Habitat Plan (also referred to as the HCP/NCCP), the project is considered a private development 'covered activity' occurring in an Urban Development/Private Development Area. The HCP/NCCP has classified the land cover type as "Urban/Suburban".[13] The HCP/NCCP assumes a certain amount of urban development within the City of San Jose and HCP/NCCP plan area which have both permanent, direct impacts and indirect impacts. Although the private development activity would permanently alter the land, the project's land cover type as identified in the plan is not considered habitat where covered species and plants are known to occur or would likely occur in the future. The project area is also not within a defined wetland area, area with serpentine soils, or area considered to be high quality Burrowing Owl habitat. The project is not within a planned Priority Reserve Area or within an Urban Reserve System Interface Zones.

The HCP/NCCP also considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surface and from the effects of nitrogen deposition. Urban development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host

[13] According to the Santa Clara Valley HCP/NCCP "Geobrowser" (http://www.hcpmaps.com/habitat/) accessed in December 23, 2014.

plants for larval Bay checkerspot butterfly. As such, all covered activities within the HCP/NCCP area are subject to a "Nitrogen Deposition Impact Fee" which would be calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In addition, all private development activities covered in the plan are subject to certain conditions of the HCP/NCCP (as identified in Chapter 6 of the Plan) based on the project's location and type of project. To ensure that the project complies with conditions of the HCP/NCCP, the conditions would be applied to the project as part of the development permit conditions of approval and/or other permits (i.e. grading permits, building permits, etc.).

The project's land cover type as identified in the plan is not considered to be a habitat where covered species would occur. The City of San José has adopted the HCP/NCCP and approved an ordinance[14] implementing the measures and conditions set forth in the HCP/NCCP. For these reasons, the proposed project would not conflict with the provisions of the HCP/NCCP.
(No Impact [Same as Approved Project])

4.4.3 Conclusion

Consistent with the 2013 IS/MND's conclusions for Options 1 and 2, Project Option 4 when developed in conformance with City applicable policies would result in a less than significant impact on trees and the City's urban forest, consistent with the findings of the General Plan EIR. Upon implementation of the proposed mitigation measures, Option 4 would have a less than significant impact on biological resources.
(Less Than Significant Impact with Mitigation [Same as Approved Project])

[14] Chapter 18.40 of the City of San José Municipal Code.

4.5 CULTURAL RESOURCES

The following section is based on a *Historic Resources Report* prepared by Archives & Architecture in January 2013 and an *Archaeological Site Surveys and a Literature Review* prepared by Holman & Associates in June 2006. Both reports are included in Appendix B of the 2013 Initial Study prepared for Options 1 and 2.

4.5.1 Setting

4.5.1.1 *Archaeological Resources*

Based on the findings in the 2013 IS/MND, there are no known archaeological resources on or adjacent to the project site. Additionally, the environmental review (Whole Foods Market IS, 2007) for the property immediately adjacent to the site concluded that the potential for archaeological findings at the Whole Foods site is low. The lack of findings adjacent to the project site indicates a low potential for archaeological materials to be encountered during construction activities at the project site.

4.5.1.2 *Paleontological Resources*

Based on the findings in the 2013 IS/MND, the project area is situated on Holocene age alluvial deposits, which are underlain by Pleistocene age sediments at unknown depths.[15] Holocene age soil is generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. Research has indicated, however, that Holocene materials in the Santa Clara Valley may have some level of sensitivity for paleontological resources.

4.5.1.3 *On-Site Structures*

As stated in the 2013 IS/MND, the three (3) structures on the project site, located at 783-785, 789, and 807 The Alameda, were evaluated in accordance with applicable historic resources criteria. The evaluation found that the properties do not appear to qualify for listing on the California or National Registers. None of the properties are eligible as San José Historic Landmarks.

Based on the City's Evaluation Rating System, the property at 807 The Alameda would qualify for the San José Historic Resources Inventory as a "Structure of Merit", which is not considered significant by the City of San Jose for purposes of CEQA. The other properties with buildings, 783-785 and 789 The Alameda, do not meet the threshold for listing at any level.

4.5.1.4 *Historic Resources in the Surrounding Area*

Based on the 2013 IS/MND's findings, several City Landmarks are in the vicinity of the project site including The Alameda street right-of-way (from Race Street to I-880). In San José, The Alameda was the most important road in the region, connecting the Pueblo of San José with Mission Santa

[15] General Plan EIR.

Clara. Between the 1850s and 1939, The Alameda was used as a stagecoach route, horse-drawn trolley thoroughfare, and electric trolley route.[16]

4.5.1.5 *Applicable Plans, Policies, and Regulations*

As discussed in the 2013 IS/MND in connection with Options 1 and 2, the following plans, policies and regulations pertaining to cultural resources are applicable to Project Option 4: the National Historic Preservation Act, California Register of Historic Resources, CEQA Regulations Regarding Human Remains, California Native American Historical, Cultural and Sacred Sites Act, California Health and Safety Code, Historic Preservation Ordinance, City Council's Development Policy on the Preservation of Historic Landmarks, and General Plan policies and regulations (outlined in *Section 4.5.1.6* of the 2013 IS/MND).

4.5.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,9
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,2
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,2
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,2

Project Option 4 proposes a residential unit count of 168 units, two (2) levels of subterranean parking, and a maximum building height of 80.5 feet at the top of the parapet and 82 feet at the top of the highest architectural feature (elevator tower). The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

[16] City of San José. *San José Downtown Strategy 2000 Plan EIR*. 2005.

4.5.2.1 *Impacts to Archaeological and Paleontological Resources*

The proposed Option 4 would include two (2) subterranean parking levels and would require the excavation of native soil. Impacts to archaeological and paleontological resources from the implementation of Option 4 would be consistent with the impacts previously disclosed from the implementation of Options 1 or 2. As stated in the 2013 IS/MND, the General Plan EIR concluded that development allowed under the General Plan would not result in significant disturbance of buried materials, including archaeological and paleontological resources, with implementation of General Plan policies.

Archaeological Resources

As described above, there are no recorded archaeological sites within the immediate project site area. There is always a chance, however, that cultural resources could be discovered during subsurface grading and excavation. Destruction of buried cultural resources during construction would be a significant impact.

Standard Permit Conditions: Consistent with the General Plan EIR, General Plan policies (referenced in *Section 4.5.1.6* of this Addendum and listed in the IS/MND) and the following standard permit conditions are included in the project (i.e. all Project options, including Option 4) to further reduce impacts to subsurface archaeological resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist would examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants would make recommendations regarding proper burial, which would be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
  (Less Than Significant Impact [Same as Approved Project])

Paleontological Resources

The Project Option 4 has a low potential to impact undiscovered paleontological resources, based on the age and type of surface soils. It is possible, however, that deeper soils may contain older Pleistocene sediments, which have a higher sensitivity for paleontological materials. Activities that involve substantial excavation (construction of below-ground parking garage) would have a higher potential for encountering paleontological deposits. Option 4 construction activities involving two (2) levels of below-grade excavation may, therefore, result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the project could result in a significant impact to paleontological resources, if encountered.

Standard Permit Conditions: Consistent with the General Plan EIR, General Plan policies (referenced in 2013 IS/MND *Section 4.5.1.6*) and the following standard permit conditions would be implemented by the project to reduce and avoid impacts to as yet unidentified paleontological resources:

- If vertebrate fossils are discovered during construction, all work on the site would stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The City would be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.
  (Less Than Significant Impact [Same as Approved Project])

4.5.2.2 *Impacts to Historic Buildings*

Project Option 4 would result in the same less than significant impacts to historic resources as would Options 1 or 2. As stated in the 2013 IS/MND, generally a resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the National Register, California Register, or as a City Landmark on the City's Historic Resources Inventory. As stated in the IS/MND, there are no such structures on or adjacent to the site. While Structures of Merit contribute to the historic fabric of the City and are eligible for inclusion on the City's Historic Resources Inventory, they are not considered a historic resource under CEQA, and so the removal of 807 The Alameda would not constitute a significant impact.
(Less Than Significant Impact [Same as Approved Project])

Although Structures of Merit are not significant resources under CEQA, they contribute to the historic fabric of the City. It is the City's goal to preserve and enhance historic structures of lesser significance. The City requires standard permit conditions to address the loss of Structures of Merit.

Standard Permit Conditions: Consistent with the General Plan EIR, the following standard permit conditions would apply to the demolition of the building at 807 The Alameda:

- Prior to the demolition of any Structure of Merit, the structure would be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black and white views of the building to the following standards:
  - *Cover sheet* - The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
  - *Camera* - A 35mm camera.
  - *Lenses* - No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
  - *Filters* – Photographer's choice. Use of a pola screen is encouraged.
  - *Film* - Must use black and white film; tri-X, Plus-X, or T-Max film is recommended.
  - *View* - Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
  - *Lighting* - Sunlight is usually preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
  - *Technical* - All areas of the photograph must be in sharp focus.

  The project proponent shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a standard permit condition to address the loss of the historic resource which shall be named and the address stated and coordinated with the Historic Preservation Officer.

- Prior to demolition, the project proponent would offer the buildings for relocation. If an entity or individual is interested in relocating the building to a new site, the costs and liability of the relocation will be borne entirely by that entity/individual. The project proponents "offer for relocation" would be placed in a newspaper of general circulation, posted on a website, and posted on the sites for a period of no less than 30 days. In the event that relocation is not possible, prior to demolition the structure and site shall be retained and made available for salvage to the general public and companies facilitating the reuse of historic building materials. **(Less Than Significant Impact [Same as Approved Project])**

4.5.3 Conclusion

Consistent with the conclusion for Options 1 and 2, Option 4 would have a less than significant on cultural resources with implementation of the above-listed standard permit conditions and compliance with applicable General Plan policies.
(Less Than Significant Impact [Same as Approved Project])

4.6 GEOLOGY AND SOILS

4.6.1 Setting

The following discussion is based on a *Geotechnical Investigation Report* prepared by Environmental Resources Management (ERM) and Stevens, Ferrone and Bailey in March 2012. This report was included as Appendix C of the 2013 IS/MND.

4.6.1 Setting

4.6.1.1 *Soils and Topography*

Based on findings from the 2013 IS/MND, the project site is flat with an average elevation of approximately 95 feet above mean sea level.[17] Based on the laboratory soil sample results from the site, the near-surface more clayey soil materials have a high plasticity and high expansion potential. Additionally, groundwater was encountered in the soil borings at depths ranging from 17.5 to 19 feet below ground surface (bgs).

4.6.1.2 *Seismicity*

Based on findings in the IS/MND, there is a 63 percent chance of at least one (1) magnitude of 6.7 or greater earthquake striking the Bay Area between 2008 and 2037. The site would, therefore, probably be subjected to at least one (1) moderate to severe earthquake that would cause strong ground shaking. The site has a 10 percent chance of exceeding a peak ground acceleration of approximately 0.5 gravity force (g) in 50 years (based on the alluvium site condition). The closest active fault to the project area is the Crosley fault, located approximately six (6) miles to the northeast. Other potentially active faults within 10 miles of the site include the Hayward, Monte Vista, and Calaveras faults. There are no active faults within the project site.

Seismic activity can also result in hazards from several forms of ground failure, including fault rupture, soil liquefaction, lateral spreading, and differential settlement. Much of the Santa Clara Valley, including the project site, is located within a Liquefaction Hazard Zone.[18] Based on the investigation of soils at the site, no liquefiable soil is on-site and the potential for ground surface damage from liquefaction is low.

4.6.1.3 *Applicable Plans, Policies and Regulations*

Consistent with Options 1 and 2, the following policies and regulations are applicable to Project Option 4: the Alquist-Priolo Earthquake Fault Zoning Act, and City of San Jose General Plan geologic hazard policies and regulations (outlined in *Section 4.6.1.3* of the 2013 IS/MND).

[17] US Department of State Geographer. *Google Earth.* 2015.
[18] Santa Clara County. *County Geologic Hazard Zones Map*. Map No. 20. Adopted in February 2002.

4.6.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐	1,2,10
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,2,10
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,2,10
d. Landslides?	☐	☐	☐	☒	☐	1,2,11
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1,2,10
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1,2,10, 11
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1,2,10
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1

Project Option 4 proposes a residential unit count of 168 units, two (2) levels of subterranean parking, and a maximum building height of 80.5 feet at the top of the parapet and 82 feet at the top of the highest architectural feature (elevator tower). The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.6.2.1 *Geology and Soil Impacts*

Seismicity

As described in the 2013 IS/MND, the site is within a seismically active region, but is not located within an Alquist-Priolo Earthquake Fault Zone (based on the State of California Geological Survey data). The site is not located in a fault rupture hazard zone. The site is also not located within a City of San José designated fault hazard zone.
(Less Than Significant Impact [Same as Approved Project])

Consistent with the measures to avoid or minimize potential damage from seismic shaking for Options 1 and 2, Option 4 would be built using standard engineering and seismic safety design techniques. The incremental increase in proposed building height, additional below-grade garage level, and increased unit count and density would not lead to the project's exposure to greater seismic hazards than the prior two (2) building options. Building design and construction at the site would be completed in conformance with the recommendations of a design-level geotechnical investigation, which would be included in a report to the City. The structural design for the proposed development would account for repeatable horizontal ground accelerations. The report shall be reviewed and approved of by the City of San José's Building Division as part of the building permit review and issuance process. The building, under any of the three (3) options, would be required to meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code,[19] Chapter 16, Section 1613, as adopted or updated by the City. Additionally, the project would be required to obtain a Geologic Clearance for liquefaction prior to issuance of a Grading Permit. The project would be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code. **(Less Than Significant Impact [Same as Approved Project])**

Additionally, the site is relatively flat (95 feet above msl) with no steep slopes. Given the topography of the site, the likelihood of the occurrence of landslides is low. The site is not located within the Santa Clara County Landslide Hazard Zone.
(Less Than Significant Impact [Same as Approved Project])

[19] The 2010 California Building Code was updated to 2013 California Building (January 2014) subsequent to the 2013 IS/MND adoption.

Soils

Project Option 4 would not lead to substantial soil erosion or loss of topsoil. Regular maintenance and implementation of erosion control measures would be implemented per the *Geotechnical Investigation Report* prepared by ERM and Stevens, Ferrone and Bailey.[20]
(Less Than Significant Impact [Same as Approved Project])

The site is characterized as having moderate liquefaction susceptibility. The Santa Clara County Geologic Hazard Zones Map and the California Department of Conservation's Seismic Hazard Zones Map[21] indicate that the site is in a liquefaction hazard zone. Based on the investigation of the site's soil, however, the site's soils are not liquefiable; therefore, the liquefaction potential on-site is low. A geologic investigation and clearance for liquefaction by the City would be required for the proposed project, prior to the City's issuance of a grading permit.

Since lateral spreading is typically induced by liquefaction, the likelihood of lateral spreading occurring on-site is low. The near-surface materials (mainly clayey and sandy fills) have the potential to be weak and compressible which could lead to the differential settlement of structures overlying the fill. To reduce the potential for damaging differential settlement of overlying improvements such as the building foundations and pavements, the existing near-surface fills will be completely removed and re-compacted.
(Less Than Significant Impact [Same as Approved Project])

To reduce the impact of expansive soils to future tenants and the potential for post-construction distress to the proposed Option 4 building resulting from swelling and shrinkage of the surface materials, the building would be supported on a deepened footing foundation system or a post-tensioned slab foundation system, which would be specifically designed to reduce the impact of the expansive soils. **(Less Than Significant Impact [Same as Approved Project])**

The proposed mixed-use development would connect to an existing sewer system. No septic systems would be developed under Option 4; therefore, no impacts related to septic systems would occur.
(No Impact [Same as Approved Project])

4.6.3 Conclusion

Consistent with the 2013 IS/MND conclusions for Options 1 and 2, Project Option 4 would have less than significant geology, soils, or seismicity impacts that can be avoided through standard engineering and construction techniques and compliance with applicable General Plan policies.
(Less Than Significant Impact [Same as Approved Project])

[20] ERM-West, Inc. *Geotechnical Investigation Report. 789, 801, and 807 The Alameda*. March 2012.
[21] California Department of Conservation. Seismic Hazard Zonation Program. *Seismic Hazard Zones Map*. 2006. Available at: <http://gmw.consrv.ca.gov/shmp/MapProcessor.asp?Action=SHMP&Location=All&Version=5&Browser=Netscape&Platform=Win>. Accessed January 24, 2013.

4.7 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on a *Toxic Air Contaminant Construction Risk Assessment and GHG Emissions Analysis* prepared by Illingworth & Rodkin, Inc. for Project Option 4 in December 2014, included in Appendix A of this Addendum.

4.7.1 Setting

The greenhouse gas (GHG) emissions setting for Option 4 is consistent with the setting described in the 2013 IS/MND. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Existing On-Site GHG Emissions*

The project site is currently developed with three (3) commercial buildings and surface parking. Only one (1) of the existing buildings is currently unoccupied. GHG emissions are generated from motor vehicles traveling to and from the site (approximately 110 daily trips) and total energy consumed for onsite operations (e.g., heating, cooling and lighting).

4.7.1.2 *Applicable Plans, Policies and Regulations*

Agencies at the international, national, state, and local levels are considering strategies to control emissions of GHG that contribute to global warming. BAAQMD Guidelines and General Plan Policies for GHG emissions in the City of San Jose are listed below. Other applicable regulations include the California Assembly Bill 32, California State Bill 375, 2010 Bay Area Clean Air Plan, and City of San Jose Municipal Code GHG reduction measures (including the City's Green Building Ordinance).

As described in Section 4.7.1.2, *California Assembly Bill 32* of the 2013 IS/MND, the California Air Resources Board (CARB) approved the Climate Change Scoping Plan (in December 2008), which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. In May 2014, subsequent to the adoption of the 2013 IS/MND for the proposed project, CARB adopted the *First Update to the Climate Change Scoping Plan (First Update)*. The First Update builds upon the Scoping Plan (adopted in 2008), defines CARB's priorities over the next five (5) years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.[22]

[22] California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan.* Available at: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>. Accessed January 6, 2015.

BAAQMD CEQA Guidelines

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Under the BAAQMD CEQA Guidelines, if a project would result in operational-related greenhouse gas emissions of 1,100 metric tons (MT) (also referred to as the "bright line" threshold), or 4.6 metric tons per service population[23] of carbon dioxide equivalents (CO_2e) per year or more, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change.

The bright-line numeric threshold of 1,100 MT CO_2e/year is a numeric emissions level below which a project's contribution to global climate change would be less than cumulatively considerable. For projects that are above this bright-line cutoff level, emissions from these projects would still be less than cumulatively significant if the project as a whole would result in annual emissions of 4.6 MT CO2e per service population or less.

4.7.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1,2,7
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1,2,3

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND. Energy conservation measures proposed for the project (under Option 4) to reduce greenhouse gas emissions would also be consistent with the measures for Options 1 and 2.

[23] Service population is defined as the sum of the number of residents and the number of employees at the development.

4.7.2.1 *Greenhouse Gas Emissions Impacts*

Overview of Impact Assessment

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions.

Operational Emissions

The proposed Option 4 is the development of up to 168 residential units and 22,660 s.f. of commercial and retail uses in a single mixed-use building on a 1.04-acre site. This proposed development conforms to the site's General Plan land use designation of *Urban Village* within the *Diridon Station Area Plan* (up to 250 dwelling units per acre and 0.5 to 10.0 FAR).

GHG Emissions

The projected operational greenhouse gas emissions were calculated using the CalEEMod model. The CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport. The year 2016 was analyzed for this project since it is the first year that the project could conceivably be occupied. The per capita rate is the total annual GHG emissions expressed in metric tons divided by the service population (i.e., number of residences and employees). A future service population of 576 persons was assumed (approximately 3.1 persons per household[24]and one (1) worker per 400 square feet of commercial space).

Emissions were compared to the 4.6 MT CO_2e per service population 'efficiency' threshold established by BAAQMD, and are estimated to be 2.85 MT CO_2e per year in 2016. In conformance with BAAQMD's CEQA Air Quality Guidelines, the project would not exceed the BAAQMD's significance threshold of 4.6 MT CO_2e per service population. Therefore, GHG emissions from the proposed project (under Option 4) would not be considered cumulatively significant.
(Less Than Significant Impact [Same as Approved Project])

[24]In this GHG analysis the number of residents that would be generated from the project is approximately 520 (3.08 persons per household). The commercial space assumed was 22,973 s.f.; one worker was assumed per 400 square feet of commercial space.

Table 4.7-1: Option 4 GHG Emissions	
Scenario	**Annual GHG Emissions (CO_2e in Metric Tons [MT])**
Proposed Project - 2016	
Area Energy Mobile Waste Water	10 349 1,204 46 32
Total emissions per year	1,640 MT CO_2e/year
BAAQMD Bright-line Threshold	*1,100 MT CO_2e/year*
Future Service Population	576 persons
Emissions per service population (Total MT of CO_2e per year/ service population)	**2.85 MT CO_2e/service population/year**
BAAQMD Emissions Threshold for service population per year	*4.6 of MT CO_2e/service population/year*

Construction Emissions

The proposed project (under Option 4) would result in minor increases in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. The proposed project's construction emissions would be temporary. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition (with approximately 12 months of heavy construction) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact [Same as Approved Project])**

4.7.2.2 *Conformance with Applicable Plans, Policies and Regulations*

The project would result in a net increase in traffic trips and energy usage compared to the existing site conditions. While this would result in an overall increase in operational GHG emissions, the project provides for new housing near the downtown area and within walking distance of jobs, other residences and retail, and various modes of transit. Furthermore, development of the project would be subject to the City's Green Building Ordinance. The following energy conservation measures/design features are included in the project to reduce GHG emissions:

- PV solar panels on roof
- Light roof color cap sheet
- Low E duel pane vinyl windows
- Low VOC emission carpet
- Renewable resource bamboo flooring in Resident Common Room
- Energy Star GE appliances
- 12 SEER Energy Star rated HVAC units with non-CFC refrigerant
- Drought-tolerant landscaping and low flow irrigation system
- Electric car charging spaces
- Parking space for a car sharing service
- Bicycle repair station and storage

The project is proposing to implement green building measures as required by the City's Green Building Ordinance. The proposed project would have a less than significant GHG emissions impact. The implementation of these measures would be in accordance with the following General Plan Environmental Sustainability policy for housing:

- *Policy H-4.1*: Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.

(Less Than Significant Impact [Same as Approved Project])

4.7.3 Conclusion

Development of the Project Option 4 would incorporate measures in applicable policies of the City's General Plan, Green Building Policy and Ordinance, and DSAP, and, therefore, would have a less than significant GHG emissions impact.
(Less Than Significant Impact [Same as Approved Project])

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon the *Phase I Environmental Site Assessment and Phase II Investigation* for parcels 261-01-004, 261-01-005, 261-01-006 completed in March 2012 by Environmental Resources Management (ERM) and the *Phase I Environmental Site Assessment* and *Phase II Environmental Site Assessment* for parcel 261-01-003 completed by Anderson Environmental in January 2013. The reports are attached to the 2013 Initial Study prepared for Options 1 and 2, as Appendix D.

4.8.1 Setting

No changes to the existing environmental setting for the site have occurred since the 2013 IS/MND.

4.8.1.1 *Existing Environmental Setting*

Site Past and Present Uses

The existing environmental setting of the project site is consistent with the findings in the IS/MND. The project site has three (3) existing one-story structures, several ancillary structures, and one (1) parking lot. One (1) of the structures (at the most recent address of 795 – previously 807 - The Alameda, parcel 263-01-006), constructed in 1939, is a vacant building that is a former deli, bakery and liquor store. A fenced in and asphalt paved lot that is vacant of structures (at 801 The Alameda, parcel 263-01-005), adjacent and to the east of the former deli, bakery and liquor store, was used as a trucking and parking garage for the bakery and delicatessen restaurant (1974 to at least 2004).

Adjacent and to the east of the asphalt paved lot (at 801 The Alameda, parcel 263-01-005) is a former warehouse building (at 789 The Alameda, parcel 263-01-004). The building is currently vacant and to the rear of the building is an attached covered car parking area that is currently utilized by the employees of the adjacent business at 783-785 The Alameda.

Adjacent to and to the east of the former warehouse is a vacant one-story office building (at the most recent address of 785 The Alameda, parcel 263-01-003).

Surrounding Uses

Surrounding land uses include industrial, commercial, and residential. To the north of the site is a paved parking lot that is part of the Arena Hotel property, to the south is The Alameda with a muffler service facility and a high density residential building with a retail ground floor beyond, the Arena Hotel is to the west, and a recently completed grocery store (Whole Foods Market) is to the east. Union Pacific Railroad and Caltrain tracks are located further east of the project site, with the San José Diridon Station located approximately 700 feet southeast of the site.

Since a current muffler repair facility (former gasoline service station) is immediately to the south of the site, there is a potential that historical gasoline service and current automobile repair operations have impacted the site.

In accordance with Section 21092.6 of CEQA, project sites that are included on lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5 are to be identified as part of the environmental review. There are no sources of contamination within the project site that are listed on hazardous materials sites, or the Cortese List, compiled pursuant to Government Code Section 65962.5.[25]

4.8.1.2 *On-Site Sources of Contamination*

During a site visit completed for the Phase I Environmental Site Assessment (Phase I) for the evaluation of Options 1 and 2, discolored soil (261-01-005) and stains on floors and concrete pads (261-01-004, -006) (most likely from the storage of former refrigeration and/or oven equipment) were observed most recently at 795 The Alameda and formerly 807 The Alameda. A visual inspection for asbestos-containing materials (ACMs) was also completed during the site reconnaissance. Based on the inspection, ACMs are suspected to be included in building materials such as floor tiles, dry walls, and stucco and roofing materials. The lead based paint sampling of paint surfaces at the site was completed as part of the site visit. The sample results showed that the paint surfaces contained a range of 0.27 to 3.2 percent lead. The on-site sources of contamination at the project site remain consistent with the findings in the 2013 IS/MND.

4.8.1.3 *Soil and Groundwater Sampling*

Soil and groundwater sampling at the site was completed in February 2012 and January 2013 for the proposed Options 1 and 2. Those sampling results continue to reflect site conditions for the proposed Option 4.

789, 801, and 807 The Alameda

Soil samples for 789, 801, and 807 The Alameda (263-01-004, 263-01-005, and 263-01-006) were collected from three (3) soil borings on February 17, 2012. Soil samples were analyzed for volatile organic compounds (VOCs)[26] and total petroleum hydrocarbons (TPHs)[27] in the gasoline range (TPH-GRO), TPH Extractables for diesel, motor oil (TPHmo), mineral spirits (solvent that thins oil-based paint) and kerosene ranges, and California Title 22 metals (CAM 17 – includes arsenic, lead, and vanadium).

Detectable concentrations of metals, TPH-GRO, TPH Extractables, and VOCs from soil analytical results were compared to California Environmental Protection Agency (Cal/EPA) California Human Health Screening Levels (CHHSLs), San Francisco Bay Regional Water Quality Control Board

[25] California Environmental Protection Agency. *Cortese List Data Resources*. Last updated: February 2012. Available at: <http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm>. Accessed January 2013.
[26] VOCs are emitted as gases from certain solids or liquids often found in common household items such as paints and lacquers, paint strippers, cleaning supplies, pesticides, building materials and furnishings, office equipment such as copiers and printers, correction fluids and carbonless copy paper, graphics and craft materials including glues and adhesives, permanent markers, and photographic solutions. VOCs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Many VOCs are known to cause cancer in animals, and are suspected of causing cancer in humans
[27] Total petroleum hydrocarbon (TPH) is a term used for any mixture of hydrocarbons that are found in crude oil.

(RWQCB) Environmental Screening Levels (ESLs), and USEPA Region IX Regional Screening Levels (RSLs).

Arsenic concentration detections exceeded the three (3) screening levels (residential and commercial/industrial uses). All arsenic detections, with the exception of one (1) soil sample, were within the range of arsenic background concentrations in California and the Western United States. Additionally, vanadium were consistently detected above the residential ESL. All vanadium detections were within the background concentrations average range in California and the Western United States; therefore, the impact of vanadium on the site is not significant. VOC concentrations were not detected above ESLs in any of the soil samples and, therefore, are not considered as significant.

Groundwater samples were collected at 789, 801, and 807 The Alameda. Groundwater samples were analyzed for VOCs and TPH-GRO, TPH Extractables for diesel, TPHmo, mineral spirits (solvent that thins oil-based paint), kerosene ranges, and CAM 17 metals (including arsenic, lead, and vanadium). Metal detections in groundwater did not exceed either screening level with the exception of the concentrations of three (3) selenium samples. Based on the IS/MND analysis, it is most likely attributed to naturally occurring selenium in soil and is likely not a result of historical operations. TPH-GRO and TPH Extractables were not detected in groundwater at the site.

785 The Alameda

In January 2013, soil samples for 785 The Alameda (263-01-003) were collected at the former office building parcel. The soil samples were analyzed for VOCs and Title 22 metals and the soil vapor samples were analyzed for VOCs.

VOC sample results did not exceed RWQCB ESLs or background levels for soil or soil vapor samples. Arsenic and vanadium were detected slightly above RWQCB ESLs (at concentrations of 0.39 mg/kg and 16 mg/kg for arsenic and vanadium, respectively); however, arsenic and vanadium detections do not exceed their California and Western United States average background levels.

4.8.1.4 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for Options 1 and 2 listed in Section 4.8.1.4 of the 2013 IS/MND are also applicable to the proposed Option 4. Policies and regulations from the U.S. Environmental Protection Agency, California Environmental Protection Agency, California Department of Toxic Substances Control, State (California) Water Resources Control Board, Regional Water Quality Control Board, Government Code §65962.5 (Cortese List), City of San Jose Emergency Operations Plan, and the General Plan are also applicable to Option 4.

4.8.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1,2,12
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐	1,12
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,7,12
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1,12
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1,2
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.8.2.1 *On-Site Soil and Groundwater Contamination Impacts*

Based on soil sample laboratory analytical results, arsenic and TPHmo both exceeded regulatory screening levels (and naturally occurring background levels for arsenic) at the site. The arsenic and TPHmo are isolated detections and did not have elevated concentration levels at the most of the sample locations.

The project Option 4 design includes two (2) full levels of below-grade parking in an area where groundwater was encountered at 17.5 to 19 feet bgs. Due to natural groundwater fluctuations, the project could encounter groundwater during excavation activities on the site which would need to be removed from excavated areas and disposed. Based on the analytical results of groundwater samples collected at the site, groundwater in the area does not contain concentrations of contaminants that exceed regulatory thresholds (except for selenium which is from naturally occurring background levels in the soil and not from historical operations) and the short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Service Department, Watershed Protection Division. The maximum duration of a short-term permit to discharge to the sanitary sewer is one (1) year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. Dewatering during construction is not anticipated to create a significant hazard to the public or the environment, however, as with any project in an urban environment there is a possibility that contaminated groundwater could be encountered during grading activities.

Impact HAZ-1: Exposure of construction workers and future residents to contaminated soil and/or groundwater that exceeds regulatory screening levels or naturally occurring background concentration levels could have a significant effect.

Mitigation Measures: As a condition of approval, the project proponent shall implement the following measures for Option 4 to reduce impacts from contaminated soil and/or groundwater to a less than significant level:

MM HAZ-1.1: A Soil Management Plan (SMP) and a Health and Safety Plan (HSP) shall be prepared by a qualified hazardous materials consultant. The SMP must be reviewed and approved by the City of San Jose Planning Department. A copy of the SMP shall also be submitted to the Environmental Services Department.

MM HAZ-1.2: The SMP would include 1) repeat sampling in the vicinity of soil boring SB-3 at the time of demolition and construction to determine if additional mitigation is warranted; 2) if further mitigation is warranted, conduct provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of the soil impact; 3) collect confirmation soil sampling to verify achievement of mitigation goals; 4) complete procedures for stockpiling, staging, loading and record keeping for impacted soil; 5) complete procedures for transporting and disposing any impacted soil generated during soil removal activities, including appropriate soil disposal characterization; 6) complete procedures to ensure that fill and cap materials are verified as clean. Impacted soils would be appropriately characterized and transported off-site for disposal at a facility licensed to receive such waste.

MM HAZ-1.3: The HSP would outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. The HSP shall include the following elements, as applicable: 1) provisions for monitoring exposure to construction workers, 2) procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered, 3) procedures for the safe storage, stockpiling, and disposal of contaminated soils, 4) provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities, and 5) emergency procedures and responsible personnel.

MM HAZ-1.4: If concentrations of chemicals of concern are detected above the environmental screening levels, during repeat sampling activities, for the purposed land use and construction worker safety, mitigation measures are required with approval and oversight from a regulatory agency. The agencies are the Santa Clara County Environmental Health Department (SCCEHD), the Department of Toxic Substance Control or the Regional Water Quality Control Board. The SCCEHD is the local agency that provides oversight services through a Voluntary Cleanup

Program for parties looking to expedite the assessment and remediation of any impacted soil.

MM HAZ-1.5: Prior to any dewatering and sanitary sewer discharge, groundwater must be analyzed and compared to the short-term industrial waste water discharge requirements and parameters (which is different from regulatory environmental screening levels and the California Human Health Screening Levels). If groundwater is identified above discharge parameters, dewatering of contaminated groundwater must be treated before discharging.

Asbestos-Containing Materials and Lead-Based Paint Impacts

Visual inspections of ACMs in building materials were also completed during the Phase I site visits in January 2012 and 2013. The presence or absence of ACMs, however, could not be confirmed without a comprehensive asbestos survey. Based on the observations and 1950's construction, suspect ACMs were reported. Sampling of painted surfaces at the site was completed during the January 2012 Phase I site visit. Paint sample results ranged from 0.27 to 3.2 percent lead.

Impact HAZ-2: Demolition of the existing structures on the project site could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

Mitigation Measures: As a condition of approval, the project proponent shall implement the following measures for Option 4 to reduce impacts from lead-based paint and ACMs to a less than significant level:

MM HAZ-2.1: In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be completed prior to issuance of a demolition permit for on-site structures to determine the presence of asbestos-containing materials and/or lead-based paint.

MM HAZ-2.2: Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MM HAZ-2.3: All potentially friable ACMs shall be removed in accordance with USEPA's Asbestos Hazard Emergency Response Act (AHERA) National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities would be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.

MM HAZ-2.4: A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

MM HAZ-2.5: Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

4.8.2.2 *Other Impacts*

Airport Safety Hazards

The Norman Y. Mineta San José International Airport is located approximately 1.5 miles north of the project area. Federal Aviation Administration (FAA) Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of proposed construction projects located within an extended zone defined by an imaginary slope (ranging from slopes of 25 to 1 to 100 to 1) radiating outward for several miles from an airport runway, or for any object on a project site that is at least 200 feet in height above ground.[28]

For the project site, any proposed structure of a height greater than approximately 40 to 45 feet above ground is required under FAR Part 77 to be submitted to the FAA for review.[29] Option 4 proposes a 80.5-foot tall building (with an elevator tower height of 82 feet); therefore, notification to the FAA is required. In turn, the City's General Plan policy CD-5.8 requires FAA issuance of "no hazard" determinations prior to development approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's project approval. Application of this General Plan policy ensures that the project would not be a hazard to aircraft operation or navigable airspace. **Less Than Significant Impact [Same as Approved Project])**

Additionally, the project site is not located within the vicinity of a private airstrip. Therefore, private airstrip uses would not be a hazard to people working or residing on the project site. **(Less Than Significant Impact [Same as Approved Project])**

[28] U.S. Government Publishing Office. Electronic Code of Federal Regulations. *Title 14: Aeronautics and Space. Part 77 – Safe, Efficient Use, and Preservation of the Navigable Airspace. Subpart B – Notice Requirements. Section 77.9 – Construction or alteration requiring notice.* Current as of January 2015. Available at: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=61302bd90d79271a583474ad2f9dcd7e&rgn=div5&view=text&node=14:2.0.1.2.9&idno=14#se14.2.77_19>. Accessed January 7, 2015.

[29] City of San José. Norman Y. Mineta San José International Airport. *Notice Requirement Criteria for Filing FAA Form 7460-1* (Topographic Map). 2013.

Emergency Response

The project would not interfere with the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. **(No Impact [Same as Approved Project])**

Wildfires

The project site is bordered by ruderal vegetation and urban development. The site is within the city limits and is not within a State of California Very High Fire Hazard Severity Zone at the wildland and urban interface. **(No Impact [Same as Approved Project])**

4.8.3 Conclusion

With implementation of the above mitigation measures, the proposed Option 4, consistent with the 2013 IS/MND findings for Options 1 and 2) would result in a less than significant hazardous materials impact. **(Less Than Significant Impact with Mitigation [Same as Approved Project])**

4.9 HYDROLOGY AND WATER QUALITY

The existing setting for hydrology and water quality for Option 4 remains consistent with the discussion provided in Section 4.9, *Hydrology and Water* of the 2013 IS/MND evaluating Options 1 and 2.

4.9.1 Setting

4.9.1.1 *Storm Drainage System*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into the Guadalupe River. The Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 75 percent of the project site is covered with impervious surfaces. The pervious surface area is comprised entirely of unpaved areas at the northern end of the site. Storm drainage of the site is provided by way of storm drain inlets located in The Alameda.

4.9.1.2 *Groundwater*

Based on the IS/MND analysis, groundwater would likely be found at a depth of approximately 16-23 feet bgs. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

4.9.1.3 *Flooding*

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain.[30]

The project site is located within a dam failure inundation zone for Anderson Dam, which was built in 1950 and is owned and operated by the Santa Clara Valley Water District (SCVWD). The SCVWD has received preliminary findings of a seismic study of Anderson Dam that show the material at the base of the dam could liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault.[31] The SCVWD is currently studying what corrective measures are needed to ensure public safety and has imposed storage restrictions at Anderson Dam. The SCVWD is planning to complete design and construction of a seismic retrofit by the end of 2018. The operating restriction would remain in place until the project is completed.[32]

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[30] Federal Emergency Management Agency, Flood Insurance Rate Map, *Community Panel No. 06085C0234H*, May 18, 2009.

[31] Santa Clara Valley Water District. *Anderson Dam Seismic Study and Retrofit Project*. June 2011. Available at: <http://www.valleywater.org/uploadedFiles/Anderson%20Dam%20study%20and%20retrofit%20insert_FINAL_07_05_11.pdf?n=2333>. Accessed April 3, 2015.

[32] Santa Clara Valley Water District. *Anderson Dam and Reservoir*. 2011. Available at: <http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx>. Accessed April 3, 2015.

It should be noted that the majority of San José is within a dam failure inundation zone for one (1) or more reservoirs. The mapping of inundation zones assumes complete failure of the dams with a full reservoir that is completely emptied. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. Since 1950, there have been nine dam failures in the state.

The project site is not subject to seiche or tsunami.

4.9.1.4 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for the proposed Project Option 4 remain as listed in Section 4.9.1.4 of the 2013 IS/MND for Options 1 and 2. Policies and regulations from the Clean Water Act, Federal Emergency Management Agency, State Water Quality Control Board Nonpoint Source Pollution Program, Santa Clara Urban Runoff Pollution Prevention Program, City of San José Post-Construction Urban Runoff Management (Policy 6-29), City of San José Hydromodification Management (Policy 8-14), and the General Plan are applicable to Option 4.

4.9.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1,2
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,2,10
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	☐	1,2

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1,2
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1,2
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,2
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1,14
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1,13
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,2
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.9.2.1 *Water Quality Impacts*

Construction Impacts

The proposed mixed use development would disturb approximately 1.04 acres of land area which is just above the one (1) acre threshold. The amount of ground disturbance would not be increased by the Option 4 project design (as compared to Options 1 and 2), all three (3) options being considered would disturb the entire site. Construction of the proposed project would, therefore, be required to comply with the NPDES General Permit for Construction Activities. Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

All development projects in San José shall comply with the City's Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant would be required to submit an Erosion Control Plan (ECP) to the Director of Public Works for review and approval. The ECP would detail the Best Management Practices (BMPs) that would be implemented to prevent the discard of stormwater pollutants.

Standard Permit Conditions

Consistent with the General Plan, standard permit conditions that would be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed. **(Less Than Significant Impact [Same as Approved Project])**

Post-Construction Impacts

Under existing conditions, the project site is approximately 75 percent impervious. Upon completion of the proposed development (under Option 4), the project site would be 97 percent impervious. Consistent with Options 1 and 2, construction of Option 4 would result in the replacement of more than 10,000 square feet of impervious surface area. Therefore, this specific development would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. Most projects in the City that would result in the replacement of more than 10,000 s.f. of impervious surfaces would be required to implement low impact development treatment (LID) measures (which would include the removal of pollutants from stormwater runoff using the following types of stormwater treatment measures: rainwater harvesting

and use, infiltration, evapotranspiration, or where these are infeasible, biotreatment). Since the proposed project meets the Special Project Category B (high density development) criteria outlined in the Municipal Regional Stormwater Permit, the project qualifies for LID Treatment Reduction Credit. The project has a residential density of 161.54 du/ac (more than 100 du/ac), therefore up to 100 percent of the runoff from the site may be treated with either one or a combination of the two types of non-LID treatment systems: high flow rate media filters and high flow rate tree well filters.[33]

In order to meet these requirements, the project under Option 4 (consistent with Options 1 and 2) proposes to install a high flow rate media filter (which will treat 100 percent of the site's impervious surfaces) on the southern end of the site. Runoff from the media filter will be treated, and will then flow through the project's new 18-inch storm drain to an existing 12-18-inch storm drain along The Alameda. A mechanical treatment drainage area and self-treating areas (landscaped areas) are proposed to treat runoff from the roof and upper terraces. Stormwater runoff from the roof and terrace areas would drain into the mechanical treatment area prior to entering the City's storm drainage system. The proposed treatment systems (e.g., mechanical treatment and media filter) will be numerically sized to have sufficient capacity to treat the runoff entering the storm drainage system consistent with the NPDES requirements.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project (under Option 4) would have a less than significant water quality impact.
(Less Than Significant Impact [Same as Approved Project])

4.9.2.2 *Groundwater Impacts*

Consistent with Options 1 and 2, the quantity of impervious surfaces on the project site for Option 4 would increase by 22 percent compared to the existing condition. The project site does not presently contribute substantially to recharging of the groundwater aquifers and this condition would not change once development is complete. As a result, implementation of the Option 4 would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply.
(Less Than Significant Impact [Same as Approved Project])

Construction of the proposed mixed-use building under Option 4 would include two (2) full levels of below grade parking with a total depth of approximately 20 feet. On-site borings found groundwater ranging from 17 to 20 feet bgs. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Service Department, Watershed Protection Division in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer is one (1) year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer, but would not substantially interfere with overall groundwater flow or

[33] California Regional Water Quality Control Board San Francisco Bay Region. *Municipal Regional Stormwater NPDES Permit. Amendment Revising Order No. R2-2009-0074*. September 2011.

impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.
(**Less Than Significant Impact [Same as Approved Project])**

Standard Permit Conditions

In accordance with City policies, the following standard permit condition would be implemented as part of the project design:

- During the Building Permit process, the project will first consider designing the structure to withstand hydrostatic groundwater pressure intrusions, so that the project would not need to pump groundwater on a post-construction basis. In the event that post-construction groundwater pumping is necessary, the project will attempt to send the groundwater to landscaped areas or bioretention cells properly-designed to accommodate the volume of pumped groundwater. Considering the density of the project, space constraints may preclude the site from incorporating appropriately sized landscaped or bioretention areas. If pumping to these vegetated areas is infeasible, the project will attempt to discharge to the sanitary sewer and the discharges will be subject to wastewater permitting requirements and fees as determined by the City's Environmental Services Engineering section.

- If the discharge options described above are not feasible, as determined by the City, and these discharges must enter the storm drain system, pre-discharge sampling shall be done in accordance with Provision C.15.b.i.(2)(c) through (e) of the Municipal Regional Stormwater NPDES Permit. Any proposed new discharges of uncontaminated groundwater with flows equal to or greater than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. **(Less Than Significant Impact [Same as Approved Project])**

4.9.2.3 *Storm Drainage Impacts*

The proposed Option 4 pervious and impervious conditions would be the same as these conditions for Options 1 and 2. Under existing conditions, approximately 33,815 square feet (75 percent) of the project site is covered with impervious surfaces. Under project conditions (all options), 97 percent of the project site would be covered with impervious surfaces. Implementation of the project would result in a 22 percent increase in impervious surfaces at the project site which would result in an increase in stormwater runoff.

With implementation of General Plan policies, existing regulations, and the standard permit conditions, Option 4 would not result in a significant impact related to post-construction drainage or water quality. Even though the implementation of Option 4 (along with Options 1 and 2) would result in a minor increase in stormwater runoff, the existing storm drainage system would have sufficient capacity to support the development proposed.
(Less Than Significant Impact [Same as Approved Project])

4.9.2.4 *Flooding Impacts*

Based on the FEMA flood insurance rate maps, the site is outside the 100-year flood plain. Because of the location of the site, implementation of the proposed project under Option 4 (along with Options 1 and 2) would not expose people or structures to significant flood hazards.
(Less Than Significant Impact [Same as Approved Project])

The project site is located within the Anderson Reservoir dam failure inundation area. Inundation areas, as identified in the General Plan, assume complete failure of the dam with a full reservoir that is completely emptied. Existing regulations and adopted plans and policies reduce the risks to people and property in San José from dam failure. In particular, the California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California. DSOD inspects each dam on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. In addition, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Anderson, which is being kept at a reduced storage capacity pending seismic retrofit.

The General Plan EIR concluded that with the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. The proposed project under Option 4 would, therefore, have a less than significant dam induced flooding impact.
(Less Than Significant Impact [Same as Approved Project])

4.9.3 Conclusion

Consistent with the conclusion for Options 1 and 2, the proposed project under Option 4 would not, with incorporation of standard measures, result in significant hydrology and water quality impacts.
(Less Than Significant Impact [Same as Approved Project])

4.10 LAND USE

4.10.1.1 *Existing Land Uses*

As stated in the 2013 IS/MND, the 1.04-acre project site is currently developed with three (3) commercial buildings and surface parking. The buildings are oriented along The Alameda frontage and two (2) of the buildings are vacant. There are two (2) driveways to access the site on The Alameda.

4.10.1.2 *Surrounding Land Uses*

Development in the project area is a mix of retail/commercial, office, and residential land uses (see Figure 2.2-3). Building heights vary by land use from one (1) to four (4) stories. The project site is bounded by The Alameda to the south, a Whole Foods Market (which did not exist when 2013 IS/MND was prepared but has since opened in December 2014) to the east, surface parking lots from an office building to the north, and a hotel to the west.

The Alameda is a four-lane roadway and one (1) of the primary east-west roadways though downtown. In the project area, buildings are set against the sidewalk with minimal landscaping.

4.10.1.3 *Existing Land Use Designation and Zoning*

The project site is designated *Urban Village within the DSAP (up to 250 dwelling units per acre, FAR[34] 0.5 to 10.0)* by the General Plan. The project site is currently zoned as *A(PD) Planned Development Zoning District* File No. PDC 14-020 with an approved residential density of 134.6 du/ac reflecting approval of the Project Option 3 140 unit mixed-use project in summer 2014.

4.10.1.4 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for Options 1 and 2 listed in *Section 4.10.1.4* of the 2013 IS/MND are also applicable to the proposed Option 4.

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

[34] Floor Area Ratio

Policy CD-1.14: Use the Urban Village planning process to establish standards for their architecture, height, and massing.

Policy CD-4.8: Include development standards in Urban Village Plans that establish streetscape consistency in terms of street sections, street-level massing, setbacks, building facades, and building heights.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD-7.7: Maintain and implement land use policies that are consistent with the urban nature of Urban Village areas. Incorporate spaces and support outdoor uses for limited 24-hour uses, so long as the potential for significant adverse impacts is mitigated.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The project site is located within the Santa Clara Valley Habitat Plan (also referred to as HCP/NCCP) area. The HCP/NCCP was developed by the County of Santa Clara, the Cities of San Jose, Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW). The HCP/NCCP provides 'take' authorization (per the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA)) for 18 listed and non-listed species (i.e. covered species). The HCP/NCCP also includes conservation measures to protect all 18 species and a conservation strategy designed to mitigate impacts on covered species and to contribute to the recovery of these species in the study area.

4.10.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	☐	☐	☐	☒	☐	1,3
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1-3
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,8

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.10.2.1 *Established Communities*

The project area consists of a variety of land uses including commercial, retail, office, and residential. The proposed mixed-use project under Option 4 would provide land uses that are similar to existing residential, retail and office land uses in the area. The proposed Option 4 project land uses would not divide, and would be compatible with, the existing neighborhood and community. **(Less Than Significant Impact [Same as Approved Project])**

4.10.2.2 *Consistency with Applicable Land Use Plans and Regulations*

The 1.04-acre project site is currently designated *Urban Village within the DSAP (up to 250 dwelling units per acre, FAR[35] 0.5 to 10.0)* by the General Plan. The project site is currently zoned as *A(PD) Planned Development Zoning District* File No. PDC 14-020 with an approved residential density of 134.6 du/ac reflecting approval of the Project Option 3 140 unit mixed-use project in summer 2014.

[35] Floor Area Ratio

The proposed project under Option 4 proposes to retain the site's General Plan Land Use/Transportation Diagram but modify the Planned Development rezoning to construct 168 residential units and 22,97 s.f. of commercial/retail uses (0.5 FAR). Implementation of the proposed project under Option 4 would result in the redevelopment of an underutilized site with high-density, mixed-use development that would place housing and commercial uses within close proximity to transit.

The General Plan directly supports the objectives of focusing high-density, mixed-use residential development near regional transit hubs, existing employment centers, and services. Consistent with Options 1 and 2, the project under Option 4 has been designed to be consistent with the General Plan policies and other applicable regulations to ensure development of a project that is consistent with the goals and policies of the General Plan.
(Less Than Significant Impact [Same as Approved Project])

4.10.2.3 *Habitat Conservation Plan/Natural Community Conservation Plan*

The HCP/NCCP was not effective when the 2013 IS/MND was adopted and the Option 2 project was approved, therefore Options 1 and 2 were not described as covered activities under the HCP. As stated in Section 4.4, *Biological Resources*, the City of San José has adopted the HCP/NCCP and approved an ordinance[36] implementing the measures and conditions set forth in the HCP/NCCP. The proposed project is now considered a covered activity within the HCP/NCCP area. As described above in Section 4.4 *Biological Resources*, the proposed project would not conflict with the HCP/NCCP. The project's land cover type as identified in the plan is not considered to be a habitat where covered species would occur. For these reasons, the project would not conflict with the HCP/NCCP. **(No Impact [Same as Approved Project])**

4.10.3 Conclusion

Consistent with the conclusion for Option 1 and 2 (in the IS/MND), the proposed Option 4 would result in less than significant land use impacts.
(Less Than Significant Impact [Same as Approved Project])

[36] Chapter 18.40 of the City of San José Municipal Code.

4.11 MINERAL RESOURCES

4.11.1 Setting

Mineral resources found in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill, which is located over two (2) miles southeast of the project area.[37]

4.11.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,2
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,2

4.11.2.1 *Mineral Resources Impacts*

The proposed project, under Option 4, would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the project area. The proposed project (under any of the options including Option 4) would not, therefore, result in significant adverse impacts to mineral resources.

4.11.3 Conclusion

Consistent with the conclusion for Options 1 and 2 (discussed in the 2013 IS/MND), the proposed project under Option 4 would not result in impacts to known mineral resources.
(No Impact [Same as Approved Project])

[37] General Plan EIR.

4.12 NOISE

The following section is based on an *Environmental Noise Assessment* prepared by J.C. Brennan & Associates, Inc. in January 2013. This assessment is located in Appendix E of the 2013 IS/MND.

4.12.1 Setting

The noise setting of the project site is consistent with setting discussed in the IS/MND. No changes to the existing noise setting have occurred since the completion of the noise study. As noted previously, a Whole Foods grocery store was recently constructed on the adjacent property to the east, however the Whole Foods store was anticipated and accounted for in the 2013 noise study prepared for the project. The following discussion provides a summary of the setting discussion in the 2013 IS/MND, which is also applicable to the proposed project under Option 4.

4.12.1.1 *Overview of Noise Principles*

Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL, or L_{dn} divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted to 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

4.12.1.2 *Noise Conditions*

As stated in the 2013 IS/MND, the primary sources of noise in the project area include roadway traffic, San José Diridon Station operations, and to a lesser extent, Norman Y. Mineta San José International Airport aircraft operations. Based upon extensive noise monitoring and noise contour

analysis completed for the *Norman Y. Mineta San José International Airport Master Plan*, the project site is located outside the airport's 65 dBA DNL contour.

To generally quantify existing ambient noise levels in the project area, continuous (24- hour (Long Term)) and short-term (ST-1) ambient noise measurements were completed at various locations around the project site. Table 4.12-1 shows the summary of the noise measurement data.

Table 4.12-1: Summary of Existing Noise Measurements

Measurement	Location	Noise Level (in dBA)
LT-1	Along The Alameda frontage	70 DNL
ST-1	North end of Sunol Street	59 L_{eq}
ST-2	North of the project site on Clinton Place	62 L_{eq}
ST-2	Intersection of Stockton Street and The Alameda	70 L_{eq}

4.12.1.3 *Sensitive Receptors*

The nearest noise sensitive land uses include single family residences in the neighborhoods to the northwest of the project, and attached residential uses directly to the south across The Alameda.

4.12.1.4 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for Options 1 and 2 listed in Section 4.12.1.4 of the 2013 IS/MND are also applicable to the proposed Option 4. Provided below is a summary of policies and standards from the State Building Code (Title 24, Part 2), City of San Jose Municipal Code, and the General Plan. Noise levels that exceed these standards require mitigation.

State Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB L_{dn} or CNEL in any habitable room. Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept close, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development

Permit or other planning approval.[38] The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José, as described below.

Policy EC-1.1: Applicable standards and guidelines for land uses in San José include:

- Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Appropriate site and building design, building construction and noise attenuation techniques should be included in new development to meet this standard.
- Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in environs of the San José International Airport and the Downtown, as described below:
    - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard would be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNEL standard for noise from sources other than aircraft and elevated roadway segments.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints would be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

[38] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Policy EC-1.9: Noise studies are required for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, mitigation will be implemented so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

4.12.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1,2,14
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1,2,14
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,14
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,14

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.11.2.1 *Noise Impacts to the Project*

Interior Use Areas

As stated in the IS/MND, future ambient noise levels would be influenced primarily by transportation noise sources including automobile traffic and rail traffic. Currently, noise levels around the project site range from 60 to 70 dBA DNL. Based on estimated future traffic volumes associated with planned growth and redevelopment in the project area, traffic noise levels are anticipated to increase by zero to two (2) dBA DNL. Based on these estimates, the future noise levels on the project site would be 72 dBA DNL on The Alameda frontage.

Existing noise levels at the project site are above the "normally acceptable" limit of 60 dBA, but within the "conditionally acceptable" range for residential land uses. Noise modeling, completed for Options 1 and 2 in the IS/MND, determined that ambient noise levels would be up to three (3) to four (4) dBA higher at the second through sixth floors, compared to ground level noise. Based upon the analysis, the project residences under Option 4 would be exposed to traffic noise levels of up to 74 dBA DNL. Typical construction would only result in a 20 dBA to 25 dBA exterior to interior noise level reduction.

Future noise levels would be above the "normally acceptable" limit of 60 dBA but within the "conditionally acceptable" range of 60 to 75 dBA for residential land uses. Existing and future noise levels would be compatible with the proposed ground floor retail. Where exterior noise levels are below 65 dBA, interior noise levels of 45 dBA can be achieved with standard construction techniques. Up to 70 dBA, interior noise standards can be met with standard construction techniques and the inclusion of a forced air mechanical ventilation system. Residential units in areas with exterior noise levels greater than 70 dBA could be exposed to interior noise levels above 45 dBA.

Standard Permit Conditions

In accordance with the General Plan EIR, particularly Policy EC-1.1, the proposed project (under Option 4, as well as Options 1 and 2) would be required to implement the following standard permit conditions prior to issuance of buildings permits:

- A qualified acoustical consultant would review final site plans, building elevations, and floor plans prior to issuance of buildings permits to calculate expected interior noise levels as required by City policies and State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels of 45 dBA or lower. The specific determination of what noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) would be conducted on a unit by unit basis. Results of the analysis, including the description of the necessary noise control treatment, would be submitted to the City along with the building plans and approved prior to issuance of any building permits.
  (Less Than Significant Impact [Same as Approved Project])

Outdoor Use Areas

As proposed, the project under Option 4 would have a second floor pool deck and common open space area. Residential units would also have balconies. Pursuant to General Plan policy EC-1.1 private balconies in multi-family buildings are excluded from the City's noise standards and are not discussed further.

The pool and courtyard are located in the center of the proposed project and would receive a minimum of 10 dBA shielding from the building facades. Exterior noise levels are, therefore, anticipated be a maximum of 58 dBA DNL at the common outdoor activity area.

In accordance with the General Plan EIR, particularly Policy EC-1.1, the proposed project under Option 4 would provide common uses areas that meet the 60 dBA DNL exterior standard.
(Less Than Significant Impact [Same as Approved Project])

4.11.2.2 *Noise Impacts from the Project*

Project Generated Traffic Noise Impacts

Based on estimated future traffic volumes associated with planned growth and redevelopment in the downtown area, traffic noise levels are anticipated to increase by zero to two (2) dBA DNL. The

proposed project, under Option 4, is consistent with the planned growth in the project area and would not increase traffic noise above that already anticipated by the General Plan. Typically, in high noise environments, if the project would cause ambient noise levels to increase by more than three (3) dBA at noise-sensitive receptors, the impact is considered significant. Since the proposed project would not cause an increase in noise levels in the project area of three (3) decibels or more, it would have a less than significant long-term noise impact on the nearby residential land uses.
(Less Than Significant Impact [Same as Approved Project])

Short-Term Construction Noise

Consistent with Option 1 and 2 construction impacts, construction activities associated with implementation of the proposed project under Option 4 would temporarily increase noise levels in the project area. Construction that would generate substantial noise (i.e., building demolition, excavation, grading) is anticipated to be completed within 12 months. Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 dB measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six (6) dB per doubling of distance between the source and receptor. Interior construction work would not generate substantial noise levels at adjacent land uses.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residential land uses and the adjacent hotel and could pose a significant impact. The General Plan EIR concluded that short-term construction noise would be mitigated by identified General Plan policies.

Standard Permit Conditions
Consistent with the Municipal Code, and in accordance with the General Plan EIR, particularly Policy EC-1.7, the proposed project (under Option 4) would be required by conditions of project approval to implement the following standard permit conditions during all phases of construction on the project site:

- Construction would be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).

- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A "noise disturbance coordinator" shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Adherence to the Municipal Code requirements would minimize impacts to neighboring properties from temporary increases in ambient noise levels resulting from future construction activities.
(Less Than Significant Impact [Same as Approved Project])

Short-Term Construction Vibration

The primary construction activities associated with the project would occur when the infrastructure such as buildings and utilities are constructed. The use of heavy equipment or impact tools (e.g. jackhammers, hoe rams) could generate vibration levels that exceed Caltrans criteria. Heavy tracked vehicles (e.g., bulldozers or excavators) can generate perceptible ground-borne vibration levels within approximately 25 feet of the source. Based on the projected vibration levels, it is not expected that vibration impacts would occur which would cause any structural damage at any nearby buildings that are old or in poor condition. The use of vibratory compactors could, however, have a potential to exceed the 0.20 in/second PPV criterion contained in the General Plan which would be considered to be significant. In accordance with GP Policy EC-2.3, projects with the potential to result in construction-related vibration impacts would be required to demonstrate that vibration levels would not exceed the vibration limit of 0.20 in/sec PPV. Therefore, construction activities associated with the project (Options 1, 2, 3 or 4) would not expose persons to excessive ground-borne vibration or noise.

Standard Permit Conditions
In accordance with the General Plan EIR, particularly Policy EC-2.3, the proposed project (under Options 1, 2, 3 or 4) would be required by conditions of project approval to implement the following standard permit condition during all phases of construction on the project site:

- The project shall minimize vibration impacts to adjacent uses during demolition and construction by restricting vibratory compactors to have a minimum setback of 50 feet from any structures, where feasible. A vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
  (Less Than Significant Impact [Same as Approved Project])

Private Airstrip and Airport Noise Levels

The General Plan EIR and Santa Clara County ALUC Land Use Compatibility Plan identifies 65 dBA CNEL as the maximum allowable airport noise level considered compatible with residential uses. Based on the 2027 Aircraft Noise Contours map in the General Plan EIR for the Norman Y. Mineta San Jose International Airport, noise levels associated with the operations of the airport would be less than 60 dBA DNL at the project site. Therefore, the airport noise levels are expected

to be below the maximum allowable noise level considered compatible with the proposed development. **(No Impact [Same as Approved Project])**

4.12.2 Conclusion

Consistent with the conclusion for Options 1 and 2, the proposed project under Option 4 would not result in significant noise impacts. **(Less Than Significant Impact [Same as Approved Project])**

4.13 POPULATION AND HOUSING

4.13.1 Setting

Subsequent to the adoption of the 2013 IS/MND, the current population estimate for the City has increased by approximately 18,000 and the housing unit estimate increased by approximately 14,000. Based on information from the Department of Finance, the City of San José population was estimated to be approximately 1,000,535 in January 2014[39] and had an estimated total of 319,625[40] housing units in January 2013. The average number of persons per household in San José for the period 2009-2013 was estimated at 3.11[41] and the City has approximately 1.55 employed residents per household.[42] Based on the City's General Plan, the projected population in 2035 would be 1.3 million persons occupying 429,350 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs.

San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

4.13.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1,2

[39] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014. May 2014. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>. Accessed January 7, 2015.
[40] City of San Jose. Department of Planning, Building & Code Enforcement, Planning Division. *Fact Sheet: Housing.* 2014. Available at: <https://www.sanjoseca.gov/DocumentCenter/View/780>. Accessed November 2014.
[41] U.S. Census Bureau. *State and County QuickFacts. San Jose (City).* Available at: <http://quickfacts.census.gov/qfd/states/06/0668000.html>. Accessed January 7, 2015.
[42] City of San Jose. General Plan EIR. November 2011.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.13.2.1 *Impacts to Population and Housing*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The General Plan EIR concluded that the potential for direct growth inducing impacts from the General Plan is minimal because growth planned and proposed as part of the General Plan would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area. The General Plan includes policies and actions that address orderly growth within the City and are aimed at balancing housing supply with job growth.

The Option 4 project proposes a 168-unit residential building with ground-floor retail and commercial space. Assuming 3.1 persons per household[43] for each of the 168 residential units, the proposed project under Option 4 would generate approximately 521 new residents.

Consistent with Options 1 and 2, the proposed 168 (Option 4) dwelling units would comprise a small portion of the 120,000 net new dwelling units in the General Plan. The project is consistent with the General Plan goals for focused and sustainable growth, because it supports the intensification of development in an urbanized area that is currently served by existing roads, transit, utilities, and public services.

[43] U.S. Census Bureau. *State & County QuickFacts. San Jose (City), California*. Last Updated December 2014. Available at: <http://quickfacts.census.gov/qfd/states/06/0668000.html>. Accessed March 24, 2015.

While the project would increase housing within the City, it would not result in unplanned residential growth and would not have a significant impact on the jobs/housing balance.
(Less Than Significant Impact [Same as Approved Project])

The project site is developed with two (2) vacant commercial buildings and one (1) occupied office building. The project would not displace people or necessitate the construction of housing elsewhere. **(No Impact [Same as Approved Project])**

4.13.3 Conclusion

Consistent with the conclusion for Options 1 and 2 (discussed in the 2013 IS/MND), the proposed project under Option 4 would not result in significant population and housing impacts.
(Less Than Significant Impact [Same as Approved Project])

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Protection Services*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 1 located at 225 North Market Street and Station No. 7 located at 800 Emory Street, approximately 1.1 miles northeast and northwest of the project site, respectively.

For fire protection services, the General Plan identifies a service goal of six (6) minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 1.20 miles northwest of the project site. For police protection services, the General Plan identifies a service goal of six (6) minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.3 *Schools*

The project site is located in the San José Unified School District (SJUSD). The SJUSD has a total capacity of 30,520 students.[44] SJUSD's student enrollment for the 2012-2013 school year was 33,184, indicating that SJUSD is currently over capacity.[45]

4.14.1.4 *Parks*

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in San José. The project site is within walking distance (considered as 1/3 mile) to Theodore Lenzen Park, Arena Green, Cahill Park, and the Guadalupe River Park. The General Plan included construction of the planned parks and trails to help offset the current and future demand for recreational facilities in the project area and surrounding neighborhoods. Planned facilities in the vicinity include Del Monte Park, Reach 5 of the Los Gatos Creek Trail, build-out of the Guadalupe River Park and Gardens Master Plan, and a community park on the SJFD Training Facility site.

The City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) requires new residential development to provide 3.0 acres of neighborhood/community serving parkland per 1,000

[44] General Plan EIR.
[45] California Department of Education, Educational Demographics Unit. *DataQuest: District Enrollment by Grade*. Available at. http://dq.cde.ca.gov/dataquest/. Accessed April 3, 2014.

population San José residents either through dedication of parkland to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development.

4.14.1.5 *Libraries*

The San José Public Library System consists of one (1) main library and 19 open branch libraries. The Dr. Martin Luther King Jr. Main Library is located in Downtown San José. The nearest branch library is the Rose Garden Library (1580 Naglee Avenue) approximately 1.5 miles from the project site.

4.14.1.6 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for Options 1 and 2 listed in Section 4.14.1.4 of the 2013 IS/MND (California Government Code Section 65996, Quimby Act-California Code Sections 66475-66478, City of San José Parkland Dedication Ordinance/Park Impact Ordinance and the General Plan) are also applicable to the proposed Option 4.

4.14.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☐	☒	☐	1,2
Schools?	☐	☐	☐	☒	☐	1,2
Parks?	☐	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of

elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.14.2.1 *Impacts to Public Services*

Fire Protection and Police Services

Under Option 4, the proposed rezoning would not allow new development where development is not already allowed and would not substantially increase the need for urban infrastructure. The project site is an infill location with utilities and services currently serving the site. The project would incrementally increase demand for fire and police services. This increase in demand would not result in a substantial adverse physical impact associated with a need for new facilities in order to maintain acceptable levels of services or performance objectives.

The proposed project, by itself, would not preclude the SJFD from meeting its service goals. As a result, the proposed project could be adequately served by existing facilities.

Furthermore, the proposed project, whether under Options 1, 2, 3 or 4, would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan EIR to avoid unsafe building conditions and promote public safety. As a result, the proposed development would not require new fire or police stations to be constructed or existing facilities to be expanded to serve the development while maintaining City service goals. **(Less Than Significant Impact [Same as Approved Project])**

Schools

The SJUSD has closed and/or leased sites that may be able to aid in accommodating students generated by the proposed development. Build-out of the General Plan would generate approximately 11,079 new students in the SJUSD. New students from the development under Option 4, would not trigger the need for a new school or school facilities due to the number of new students. Consistent with the requirements for Options 1 and 2, Option 4 would be required to pay school impact fees pursuant to Government Code Section 65996.

While the Option 4 mixed use development would increase the number of students attending local schools, the General Plan EIR concluded that implementation of applicable General Plan policies and programs and payment of impact fees would reduce impacts to local schools to a less than significant level. **(Less Than Significant Impact [Same as Approved Project])**

Parks

According to the General Plan EIR, planned growth allowed under the General Plan would result in the need for an additional 1,327 acres of neighborhood/community-serving parkland and additional

72,000 square feet of community center space to meet service level objectives.[46, 47] When combined with other agency-owned regional parklands and open space areas, there would continue to be sufficient parkland to meet the City's citywide/regional service level objectives. Build-out of the planned trail network in San José in accordance with *2040 General Plan* policies would meet the City's goals for trails.

Furthermore, new residential development is required to incorporate outdoor spaces and recreational amenities, in accordance with GP Policy PR-1.9 and the City's Residential Design Guidelines. Project Option 4 includes a pool and patio deck as common open space for the new residents.

To further offset demand for parkland, community centers, and other recreational facilities, the project would be subject to the City's Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and/or Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) fees. The PDO/PIO fees generated by new residential development would be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (GP Policies PR-2.4 and PR-2.5). The proposed project with approximately 521 residents under Option 4, would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated above the measure mitigated through the PDO or PIO.
(Less Than Significant Impact [Same as Approved Project])

Libraries

Based on the City's 2010 population of 945,942, the City currently has approximately 0.9 square feet of library space per capita.[48] For the anticipated population under the General Plan, existing and planned facilities would provide approximately 0.68 square feet of library space, which would meet the service level objective of providing at least 0.59 square feet of library space per capita. The General Plan EIR, therefore, concluded that planned growth would not result in the need for new or expanded library facilities in order to maintain acceptable service level objectives. In the event additional facilities are determined to be necessary, it is assumed that implementation of General Plan policies would reduce the physical impacts from development of library facilities to a less than significant level, although supplemental environmental review would be required.

Given that the existing and planned library facilities would adequately serve planned growth in the city, the proposed project would not result in a new or more significant impact. **(Less Than Significant Impact [Same as Approved Project])**

[46] The additional parkland could include up to 1,293 acres of recreational school grounds.
[47] Based on the size of the Roosevelt Community Center (30,000 square feet), this would equate to two (2) or three (3) new community centers in the city.
[48] City of Hayward. *Public Library Space (In Square Feet per Capita) in Alameda, San Mateo, and Santa Clara Counties*. Available at: < http://user.govoutreach.com/hayward/faq.php?cid=24767>. Accessed March 28, 2014.

4.14.3 Conclusion

Consistent with the conclusion for Options 1 and 2, the proposed project, under Option 4, would not result in significant impacts to public services.
(Less Than Significant Impact [Same as Approved Project])

4.15 RECREATION

4.15.1 Setting

4.15.1.1 *Recreational Facilities*

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in San José. The project site is within walking distance (considered as 1/3 mile) to Theodore Lenzen Park, Arena Green, Cahill Park, and the Guadalupe River Park. Planned facilities in the vicinity include Del Monte Park, Reach 5 of the Los Gatos Creek Trail, build-out of the Guadalupe River Park and Gardens Master Plan, and a community park on the SJFD Training Facility site.

The City's Parkland Dedication Ordinance (PDO) and the Park Impact Ordinance (PIO) requires new residential development to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population San José residents either through dedication of parkland to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development.

4.15.1.2 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations (e.g. Quimby Act-California Code Sections 66475-66478) listed in Section 4.15.1.2 of the 2013 IS/MND for Options 1 and 2 are also applicable to the proposed Option 4.

4.15.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1,2
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.15.2.1 *Impacts to Recreational Facilities*

The General Plan EIR concluded that the City's PDO/PIO would be satisfied through a combination of several means including: dedication of land; payment of a fee (based upon the unit count of the project); credit for qualifying recreational amenities (based on project design); and improvement of existing parkland or recreational facilities. While the increased population (under Option 4) would result in increased use of existing and planned parks, trails, and community centers within the City, these facilities would be updated and expanded through application of PDO/PIO fees in accordance with General Plan policies. The project would not result in substantial physical deterioration of these facilities. **(Less Than Significant Impact [Same as Approved Project])**

4.15.3 Conclusion

Consistent with the conclusion for Options 1 and 2, the project under Option 4 would not result in a significant recreation impact. **(Less Than Significant Impact [Same as Approved Project])**

4.16 TRANSPORTATION

4.16.1 Setting

The following section is based on a *Transportation Impact Analysis* prepared by Hexagon Transportation Consultants in December 2014. The TIA is located in Appendix B of this Addendum.

4.16.1 Setting

4.16.1.1 *Roadway Network*

Consistent with access routes described in the 2013 IS/MND, regional access to the project site is provided by State Route (SR) 87, Interstate (I)-880, and I-280. Local access to the project site is provided via The Alameda, Stockton Avenue, Montgomery Street, Autumn Street, Julian Street, Race Street, and Sunol Street. There have been no significant structural changes to these routes since the preparation of the IS/MND.

4.16.1.2 *Transit, Pedestrian, and Bicycle Facilities*

As stated in the 2013 IS/MND, the existing The Guadalupe River Park multi-use trail system is an 11-mile trail that runs through the City of San José along the Guadalupe River and separated from motor vehicle traffic. The Guadalupe River trail is a continuous Class I bikeway that is shared with pedestrians from Curtner Avenue in the south to just north of I-880, where it continues as an unpaved path to SR 237. This park trail system is located adjacent to the SAP Center (formerly HP Pavilion) and approximately 0.4 miles east of the project site, with access provided via Santa Clara Street. Other pedestrian facilities in the project area consist of sidewalks along most of the surrounding streets. Crosswalks with pedestrian signal heads are located at all of the signalized intersections in the project area. Overall the existing sidewalks have good connectivity and provide pedestrians with safe routes to all of the surrounding land uses in the area.

In the project area, only small segments of San Fernando Street and Park Avenue have Class II County designated (striped) bike lanes. City-designated bike routes are located on The Alameda, Montgomery Street and Autumn Street. Although some roadways in the project area are not considered ideal routes for bicyclists due to the moderate to heavy traffic volumes, presence of on-street parking, frequent bus service and stops, and narrow travel area for bicycles, bicyclists may nonetheless choose to use them for commuting and recreational purposes since they often provide the shortest route.

According to the *San José Bike Plan 2020* map, Class II bicycle facilities (striped bike lanes) are planned along the following roadways in the future:

- Stockton Avenue, between The Alameda and Taylor Street
- Taylor Street, between The Alameda and Coleman Avenue
- Lincoln Avenue, between Malone Road and Park Avenue
- Race Street, between Fruitdale Avenue and San Carlos Street
- Almaden Boulevard, between I-280 and Willow Street
- Auzerais Avenue, between Meridian Avenue and Woz Way

- Park Avenue, between Market Street and Race Street

4.16.1.3 *Existing Transit Service*

Existing transit services to the project area are provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak.

Santa Clara Valley Transportation Authority

The project area is served directly by many local buses. The bus lines that operate within walking distance of the project site include the following bus routes: Local Routes 22, 63, 64, 65, Express Routes 168 and 181, Hwy 17 Express, and Monterey-Salinas Transit 55 (between Monterey and San José Diridon Station).

The VTA also provides a shuttle service within the project area. The downtown area shuttle (DASH) provides shuttle service from the San José Diridon Station to San José State University, and the Paseo De San Antonio and Convention Center Light Rail Transit (LRT) stations via San Fernando Street and West San Carlos Street.

The VTA currently operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Mountain View, and Sunnyvale. The service operates 24-hours a day with 15-minute headways during much of the day. The Vasona LRT line operates south of the project site, and provides service between downtown San José and Winchester Boulevard in Campbell. The LRT line continues north from downtown San José to Mountain View. The San José Diridon LRT station is located approximately 0.25 miles south of the project site. The 6.8-mile Vasona LRT line operates primarily on the existing Union Pacific Railroad right-of-way between the San José Diridon Station and Vasona junction, with the segment between the San Fernando and San José Diridon stations operating within a tunnel alignment.

Caltrain

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 86 trains that carry about 42,350 riders on an average weekday. The project site is located a short walk (¼ mile) from the San José Diridon Station, which ranks 4th in terms of average weekly ridership. The San José Diridon Station provides 581 parking spaces, as well as 18 bike racks and 48 bike lockers. Trains stop frequently at the Diridon Station between 4:30 AM and 10:30 PM in the northbound direction, and between 6:26 AM and 1:32 AM in the southbound direction. Caltrain provides passenger train service seven days a week, and provides extended service to Morgan Hill and Gilroy during commute hours.

Altamont Commuter Express Service

The Altamont Commuter Express (ACE) provides commuter passenger train service across the Altamont between Stockton and San José during the weekdays. ACE stops at the San José Diridon Station four (4) times during both the morning and evening commute hours.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station eight times during the weekdays between approximately 7:40 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the San José Diridon Station seven times during the weekdays between 6:40 AM and 7:15 PM. The Coast Starlight trains provide daily passenger train service between Los Angeles and Seattle. The southbound Coast Starlight train stops at the San José Diridon Station at 9:55 AM and departs at 10:07 AM. The northbound Coast Starlight train stops at the San José Diridon Station at 8:11 PM and departs at 8:23 PM.

4.16.1.4 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations listed in Section 4.16.1.4 of the 2013 IS/MND from the Metropolitan Transportation Commission, Santa Clara County Congestion Management Program, City of San José Bike Plan 2020, City Level of Service Standards and Council Policy 5-3, and the General Plan are also applicable to the proposed Option 4.

4.16.1.5 *Level of Service Methodology*

Traffic conditions in San José are evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

The City of San José has established a minimum acceptable operating level of service (LOS) at LOS D for all intersections including VTA CMP designated intersections. The minimum acceptable level for county controlled and CMP-monitored intersections is LOS E. The CMP's LOS standard for freeway segments is LOS E.

Signalized Intersections

The level of service method approved by the City of San José, VTA, and Caltrans analyzes a signalized intersection's operation based on average control vehicular delay. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The average control delay for signalized intersections is calculated using TRAFFIX analysis software and correlated to a LOS designation as shown in Table 4.16-1.

Table 4.16-1: Intersection Level of Service Definitions Based on Average Delay

Level of Service	Description	Average Control Delay Per Vehicle (Seconds)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	≤ 10.0
B+	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 12.0
B		12.1 to 18.0
B-		18.1 to 20.0
C+	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 23.0
C		23.1 to 32.0
C-		32.1 to 35.0
D+	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0
D		39.1 to 51.0
D-		51.1 to 55.0
E+	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.	55.1 to 60.0
E		60.1 to 75.0
E-		75.1 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0

Source: Transportation Research Board, *2000 Highway Capacity Manual* (Washington, D.C., 2000) p10-16.

Freeways

According to CMP guidelines, an analysis of freeway segment levels of service is only required if a project is estimated to add trips to a freeway segment equal to or greater than one (1) percent of the capacity of that segment. Since the number of project trips generated by the new project added to the freeways in the area is estimated to be well below the one (1) percent threshold, a detailed analysis of freeway segment levels of service was not completed.

4.16.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1,2,15
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1,2,15
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1,2
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1,2,15
5. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1,2,15
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.16.2.1 *Transportation Impacts*

Since the proposed project, under Option 4, would generate more than 100 peak hour gross vehicle trips, an analysis according to the City of San José standards and VTA CMP guidelines was prepared. The same six (6) signalized intersections and eight freeway segments that were evaluated for Options 1 and 2 in the 2013 IS/MND in the vicinity of the project site during the weekday AM and PM peak periods of traffic were also evaluated for Option 4.

Pursuant to General Plan policies, adopted Council Policy 5-3 and the City's Traffic Impact Analysis Handbook, traffic impacts in the City of San José are considered significant if any of the following occur:

City of San José Signalized Intersection
(not located within the Downtown Core) (During Either Peak Hour)

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or
- Unacceptable operations (LOS E or F) are exacerbated by increasing both the critical-movement delay by more than 4 seconds and the volume-to-capacity ratio (V/C) by one (1) percent (.01) or more.
    - The V/C ratio increases by 0.01 or more at an intersection with unacceptable operations (LOS E or F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

Santa Clara County/CMP Intersections

The definition of a significant impact at a CMP intersection is the same as for the City of San José, except that the CMP standard for acceptable level of service at a CMP intersection is LOS E or better. Thus, a CMP intersection that operates at LOS F would fail to meet the CMP level of service standard.

Trip Generation

Trip generation resulting from new development proposed within the City of San José is generally estimated by multiplying the City's established trip generation rates by the size of the development. Trips generated by the project under Option 4 were estimated by using these rates. Option 4 would construct up to 168 apartments (rental units) and 22,660 s.f. of commercial, retail and office space. Trip generation estimates (shown in Table 4.16-2) are based on the development of 168 units and

22,973 s.f. of retail uses, [49] which would generate 1,255 net new daily vehicle trips with 93 net new trips occurring during the AM peak hour and 120 net new trips occurring during the PM peak hour. The net new inbound/outbound splits are estimated at 31 inbound and 62 outbound trips during the AM peak hour, and 81 inbound and 39 outbound trips during the PM peak hour.

New daily trips and AM and PM peak hour trips were estimated by subtracting existing site vehicle trips and trip reductions, from the gross project generation estimates. Existing site vehicle trips are trips that are generated by existing occupied uses. Since the project site has one (1) building that is occupied and generates traffic, vehicle trips generated from existing occupied uses were subtracted from the gross project trip generation estimates. Trip reductions that were incorporated into the estimate are transit reductions, mixed-reduction development reductions, and retail pass-by reductions.

Table 4.16-2: Option 4 Project Trip Generation

Proposed Uses Under Option 1											
Land Use	**Size**	**Daily Rate**	**Daily Trips**	**AM Peak Hour**				**PM Peak Hour**			
				Pk-Hr Rate	**In**	**Out**	**Total**	**Pk-Hr Rate**	**In**	**Out**	**Total**
Residential[1]	168 Units	6.0	1008	0.6	35	66	101	0.6	66	35	101
Retail[2]	22,973 s.f.	40.0	919	1.2	19	8	27	3.6	41	41	82
Gross Project Trips:			1,927		54	74	128		107	76	183
Trip Reductions											
Transit			-91		-5	-5	-10		-5	-5	-10
Mixed-Use			-276		-4	-4	-8		-12	-12	-24
Pass-by			-195		-3	-3	-6		-9	-9	-18
Subtotal:			1,365		42	62	104		81	50	131
Existing Uses											
Existing Site Trips[6]			-110		-11	0	-11		0	-11	-11
Net New Trips:			**1,255**		**31**	**62**	**93**		**81**	**39**	**120**

Notes
[1] Based on "Single Family Attached" rates contained in the San José TIA Handbook, November 2009.
[2] Based on "Specialty Retail/Strip Commercial" rates contained in the San José TIA Handbook, November 2009.
[3] A 9% transit reduction was applied to the residential component of the project since the project site would be located within approximately 2,000 feet of a major transit facility.(Santa Clara VTA TIA Guidelines, March 2009)
[4] A 15% residential/retail mixed-use trip reduction was applied to the project per the Santa Clara VTA TIA Guidelines, March 2009. The 15% trip reduction was first applied to the smaller trip generator (retail). The same number of trips was then subtracted from the larger trip generator (residential) to account for both trip ends.
[5] A pass-by trip reduction of 25% was applied to the retail component of the project. The reduction was applied to the net retail project trips after applying the transit and mixed-use reductions.
[6] Existing AM and PM peak hour trips based on driveway counts were completed on 3/19/2013. Daily trips were estimated.

The peak hour trips generated by the proposed project (under Option 4) were added to background traffic volumes to obtain background plus project traffic volumes. Traffic volumes for background

[49] Retail uses are expected to generate more trips than commercial or office uses. The traffic analysis was prepared assuming 22,973 s.f. of retail uses, and is therefore a conservative estimate of the future project operations since the proposed square footage of retail uses shown in the most recent site plan (dated 03/24/2015) is approximately 18,095 s.f., with the remaining space occupied with commercial uses (4,565 s.f.) that generate fewer trips than retail. The trip generation for the proposed project (Option 4) would likely be less than the trip generation estimates provided in Table 4.16-2 in this Addendum/Initial Study.

conditions comprise volumes from existing traffic counts plus traffic generated by other approved (but not yet occupied) developments in the vicinity of the site. Background peak hour traffic volumes were estimated by adding to existing peak hour volumes the estimated traffic from approved but not yet constructed developments. The added traffic from approved but not yet constructed developments in the City of San José was obtained from the City's Approved Trips Inventory (ATI). The background scenario predicts a realistic traffic condition that would occur as approved development gets built and occupied. The results of the intersection level of service analysis under existing and background conditions show that, measured against the City of San José and CMP level of service standards, all of the study intersections for Option 4 would operate at an acceptable level of service during both the AM and PM peak hours of traffic, as shown in Table 4.16-3.

The project trips were assigned to the roadway system in accordance with the trip distribution pattern. The trip distribution pattern for Option 4 was estimated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. There would not be a significant degradation of the LOS at the study intersections from the implementation of Option 4. The results of the intersection level of service analysis under background plus project conditions show that, measured against the City of San José and CMP level of service standards, all of the study intersections under Option 4 would operate at an acceptable level of service during both the AM and PM peak hours of traffic, as shown in Table 4.16-3. None of the intersections would, therefore, be significantly impacted by the project.

According to CMP guidelines, an analysis of freeway segment levels of service is only required if a project ads trips to a freeway segment equal to or greater than one (1) percent of the capacity of that segment. There would not be significant impacts to the eight freeway segments studied under project Option 4 during the weekday AM and PM peak periods since the project would not generate sufficient trips to exceed one (1) percent of freeway segment capacity, as documented in Table 2 of the December 2014 TIA. **(Less Than Significant Impact [Same as Approved Project])**

Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area consist mainly of sidewalks along the surrounding streets. Crosswalks with pedestrian signal heads are located at all of the signalized intersections in the project area. Overall the existing sidewalks have good connectivity and would provide pedestrians with safe routes to all of the surrounding land uses in the area.

Due to the site's proximity to the downtown area, it is assumed that some residents of the proposed development (Project Option 4) would commute via bicycle, and therefore, utilize pedestrian facilities in the project area. The project is not anticipated to generate more than 15 new bicycle trips during the AM and PM peak hours.[50]The existing bicycle facilities (e.g., bicycle lanes, routes) in the project have the capacity to accommodate potential bicycle riders from the proposed development.

As part of the Project Option 4, 19 bicycle storage lockers/racks for future residents are proposed within the ground floor parking garage, and 41 bicycle storage lockers/racks are proposed for

[50] The 15 percent bicycle commute mode split is a conservative estimate based on the General Plan's commute mode split target 2040 goal of 15 percent.

subterranean garage level 1 (G1 leve1) and 31 bicycle lockers/racks are proposed for subterranean garage level 2 (G2 level). Short-term bicycle parking would be located in front of the retail space along The Alameda.

The proposed project, under Option 4, would not conflict with any of the pedestrian or bicycle improvements planned for in the *Bike Plan 2020*. The project would have a less than significant impact on pedestrian and bicycle facilities.
(Less Than Significant Impact [Same as Approved Project])

Transit Services

It is assumed that some residents of the proposed project would utilize the abundant transit services in the area. A nine (9) percent transit mode share is assumed for Project Option 4 (based on the site's proximity to the San José Diridon Station), which equates to approximately 10 new transit riders during the AM and PM peak hours. Potential new riders could easily be accommodated by the current available ridership capacity of the existing bus, LRT and commuter rail services in the study area. Thus, no transit-related improvements would be necessary with the project options.
(No Impact [Same as Approved Project])

On-Site Circulation

On-site circulation at the proposed parking garage would be consistent with the City's standards. The at-grade and below-grade drive aisles containing 90-degree parking spaces would be at least 20 feet in width for one-way and 26 to 27 feet in width for two-way drive aisles. The City's standard width for two-way drive aisles is 26 feet wide where 90-degree parking for commercial uses and 20 feet wide for residential drive aisles (to allow sufficient room for vehicles to back out of the parking spaces). The drive aisles on the ground floor parking level (which includes a 10 foot by 30 foot commercial loading area) would be 26 to 27 feet wide to accommodate larger commercial vehicles. The drive aisles in the non-parking areas, specifically the main entrance drive aisle and the ramps, would range from 21 to 22 feet in width, in accordance with the City's standard (20 feet in width). Convex mirrors will be installed on each ramp and other blind turns within the parking garage. A preliminary circulation analysis showed that passenger vehicles would adequately maneuver throughout the at-grade and below-grade parking levels.

Parking at the proposed garage would be available to residents on the two (2) subterranean garage levels (G2 and G3). The at-grade level would provide parking for retail customers and guests of residents. A total of 278 parking spaces (including at least 223 residential parking stalls with the remaining spaces designated for retail and commercial/office parking) is proposed, which would meet the City's minimum parking space requirement for the project.
(Less Than Significant Impact [Same as Approved Project])

Site Access

Vehicular access to the site would be provided via the proposed project's main entry driveway (on the east side of the proposed building) via The Alameda. The main entry driveway would be a single right-turn in/right-turn out driveway. A 10 by 30-foot loading area would be provided within the at-grade parking level to accommodate delivery trucks as well as emergency vehicles.

The main entry gates at the proposed driveway would be located at least 50 feet from the face of curb in order to provide adequate stacking space for at least two (2) inbound/queued vehicles to prevent vehicles from queuing onto the street and potentially blocking traffic.

Table 4.16-3: Background Plus Project Intersection Levels of Service

Intersection	Peak Hr	Existing		Background		Background Plus Option 1 Project				Background Plus Option 2 Project				Background Plus Option 4 Project			
		Avg. Delay[1] (sec.)	LOS[2]	Avg. Delay[1] (sec.)	LOS[2]	Avg. Delay[1] (sec.)	LOS[2]	Incr. In Crit. Delay[3] (sec.)	Incr. In Crit. V/C	Avg. Delay[1] (sec.)	LOS[2]	Incr. In Crit. Delay[3] (sec.)	Incr. In Crit. V/C	Avg. Delay[1] (sec.)	LOS[2]	Incr. In Crit. Delay[3] (sec.)	Incr. In Crit. V/C
1. Race Street and The Alameda (CMP)	AM	36.2	D	39.2	D	39.4	D	0.0	0.002	39.4	D	0.0	0.002	39.6	D	0.0	0.005
	PM	34.8	C	39.2	D	39.5	D	0.3	0.005	39.6	D	0.4	0.006	39.8	D	0.6	0.011
2. Race Street and Park Avenue	AM	14.7	B	15.8	B	15.9	B	0.0	0.001	15.8	B	0.0	0.001	15.9	B	0.1	0.003
	PM	19.2	B	20.5	C	20.6	C	0.1	0.002	20.6	C	0.1	0.003	20.7	C	0.1	0.006
3. Race Street and San Carlos Street*	AM	30.4	C	31.0	C	31.1	C	0.2	0.004	31.1	C	0.1	0.003	31.2	C	0.3	0.006
	PM	32.1	C	33.2	C	33.2	C	0.0	0.001	33.2	C	0.0	0.002	33.3	C	0.1	0.003
4. Sunol Street and The Alameda	AM	14.8	B	17.1	B	17.2	B	0.5	0.008	17.2	B	0.4	0.007	17.2	B	0.8	0.015
	PM	11.8	B	15.4	B	15.5	B	0.2	0.011	15.7	B	0.5	0.017	15.7	B	0.5	0.023
5. Stockton Avenue and Julian Street (CSJ)	AM	30.2	C	31.3	C	31.6	C	0.3	0.008	31.5	C	0.2	0.006	31.8	C	0.5	0.013
	PM	29.3	C	30.5	C	30.6	C	0.2	0.009	30.7	C	0.3	0.011	30.8	C	0.5	0.018
6. Stockton Avenue and The Alameda (CSJ)	AM	27.1	C	32.7	C	33.1	C	0.3	0.002	33.2	C	0.3	0.002	33.8	C	-1.4	0.008
	PM	24.5	C	33.9	C	34.8	C	1.4	0.023	24.9	C	1.7	0.027	35.7	D	2.8	0.045

Table 4.16-3
Background Plus Project Intersection Levels of Service
(continued)

Notes:

[1] Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the *2000 HCM*, with adjusted saturation flow rates to reflect Santa Clara County Conditions. Total control delay for the worst movement is presented for side-street stop-controlled intersections. Delay for the worst approach is reported for unsignalized intersections.

[2] LOS = Level of service. LOS calculations conducted using the TRAFFIX level of service analysis software package.

[3] Change in critical movement delay between Existing and Existing plus Project Conditions.

[4] Change in the critical volume-to-capacity ratio (V/C) between Existing and Existing plus Project Conditions.

(CMP) Denotes a VTA Congestion Management Program intersection.

(CSJ) Denotes a City of San José Downtown core intersection.

Vehicular Egress from the Proposed Garage: Pedestrian and Vehicular Safety

The recently constructed Whole Foods building, located immediately to the east of the proposed main entry driveway of the proposed garage, has a zero setback from the garage. The visibility of pedestrians and bicyclists for future vehicular drivers exiting the proposed garage, would be limited. Therefore, appropriate visible and audible warning signals would be provided at the garage's main entry driveway to alert pedestrians, bicyclists of vehicles exiting the garage.
(Less Than Significant Impact [Same as Approved Project])

Other Transportation Impacts

Impacts to Aircraft Operations

The project's impact on airspace safety is required to be reviewed by the FAA and project must receive a determination of no hazard prior to City approval of a development permit. As described in Section *4.8.2, Hazards and Hazardous Materials*, the project is consistent with the City's *General Plan* policies regarding air safety and FAA regulations.
(Less Than Significant Impact [Same as Approved Project])

Road or Design Hazards

The proposed project Option 4 does not propose to make permanent changes to roadways that would create road hazards or alter design features developed to mitigate such hazards.
(No Impact [Same as Approved Project])

Emergency Response

As described in Section *4.8 Hazards and Hazardous Material*, the proposed project Option 4 would not interfere with emergency response access during construction of the project. Once constructed, the proposed project (Option 4) would have no effect on emergency access. The project would not result in inadequate emergency access. **(No Impact [Same as Approved Project])**

4.16.3 Conclusion

Consistent with the conclusion for Options 1 and 2, implementation of the proposed project, under Option 4, would not result in significant adverse transportation impacts.
(Less Than Significant Impact [Same as Approved Project])

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water*

Water service in the project area is provided by the San José Water Company (SJWC), which is the largest private water retailer in the city. SJWC obtains its potable water supply through groundwater, imported treated water, and local surface water (collected and stored in reservoirs), with an average of 55 percent purchased from the SCVWD.[51] Approximately 53 percent of the SCVWD's water supply is imported water from the Sacramento-San Joaquin Delta.[52] During droughts, the SJWC has a Water Shortage Contingency Plan that entails specific actions for prohibiting certain uses of water and provides enforcement mechanisms.

The current project site water usage is limited to the small office usage for restrooms.

4.17.1.2 *Wastewater*

Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan EIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. Wastewater from the office restrooms is currently the only wastewater generated on-site.

Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José/Santa Clara Wastewater Treatment Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

4.17.1.3 *Storm Drainage*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River. Guadalupe River flows north, carrying the runoff from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 75 percent of the project site is covered with impervious surfaces. The pervious surface area is comprised entirely of landscaping within and around the perimeter of the parking lot. There are existing storm drain lines that run along the southern boundary of the site that would serve the project site.

[51] San José Water Company. *City of San José 2040 General Plan Water Supply Assessment*. 2010.
[52] General Plan EIR.

4.17.1.4 *Solid Waste*

The City of San José currently generates approximately 1.7 million tons of solid waste annually.[53] In 2008, approximately 60 percent of the waste generated was diverted from landfill disposal through a variety of programs including residential curbside recycling and yard trimmings collection programs, civic recycling, and the Construction & Demolition Diversion (CDD) program.[54]

The City is primarily served by five (5) landfills, nine recycling and transfer stations, five (5) composting facilities, and eight processing facilities for construction and demolition debris.[55] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road. The five (5) landfills have a total permitted capacity (volume of waste that can be received) of 5.3 million tons per year.

Based on available capacity of the landfills (actual physical space), the projected closure dates are 2021 for Guadalupe Mines and 2025 for Kirby Canyon and Newby Island.[56] The Zanker Road landfills have no closure date due to the minimal amount of material landfilled each year. Considering these projected closure dates and current generation rates, there would be adequate landfill capacity to accommodate waste generated in Santa Clara County for at least 15 years.[57] After this time, regional landfills could reach capacity in the absence of additional waste reduction efforts.

The existing office building on-site generates solid waste.

4.17.1.5 *Applicable Plans, Policies and Regulations*

Applicable plans, policies and regulations for Options 1 and 2 listed in Section 4.17.1.5 of the 2013 IS/MND are also applicable to the proposed Option 4. These include policies and regulations from the Regional Water Quality Control Board, California Integrated Waste Management Act of 1989 - Assembly Bill (AB) 939, Urban Water Management Planning Act, City of San José Urban Environmental Accords, City of San José Green Vision, City of San José Water Conservation Programs, City of San José Sanitary Sewer Level of Service Policy, City of San José Zero Waste Goals and Strategic Plan and the General Plan.

[53] General Plan EIR.
[54] The CDD is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the debris was diverted from burial in a landfill. Additional information is available at: http://www.sanjoseca.gov/index.aspx?nid=1532
[55] This does not include the numerous facilities that primarily handle a single type of material such as scrap metal. **Source:** City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.
[56] General Plan EIR. In August 2012, the City approved the expansion of the Newby Island landfill to allow operation through 2025.
[57] County of Santa Clara. *Five-Year CIWMP/RAIWMP Review Report*. 2007.

4.17.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1,2
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1,2
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2

Project Option 4 would increase the residential unit count to 168 units, and in so doing, add an additional level of below-grade parking, an additional building story, and increase the maximum building height by approximately 17 feet, from 65 feet to 80.5 feet (top of parapet)/82 feet (top of elevator tower) above grade. The following discussion identifies whether the proposed changes in the project description would involve any new significant impacts or a substantial increase in the severity of the impacts resulting from project Options 1 and 2 as disclosed in the 2013 IS/MND.

4.17.2.1 *Water Supply*

The proposed project under Option 4 is estimated to use approximately 38,000 gpd of water. For comparison, Options 1 and 2 have water demands of approximately 18,000 gpd and 16,000gpd, respectively. [58]

The General Plan EIR determined that the three (3) water suppliers for the City could serve planned growth under the General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply. The proposed project under Option 4 would comply with the policies and regulations identified in the General Plan EIR. Implementation of the proposed project would have a less than significant impact on the City's water supply. **(Less Than Significant Impact [Same as Approved Project])**

4.17.2.2 *Sanitary Sewer Capacity*

For the purposes of this analysis, the proposed project is assumed to generate wastewater equal to 95 percent of total on-site water usage. The proposed Option 4 project is anticipated to generate approximately 36,100 gpd of wastewater.

As stated above, the City currently has approximately 38.8 mgd of excess treatment capacity at the Treatment Facility. Based on a sanitary sewer hydraulic analysis prepared for the General Plan EIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan would not exceed the City's allocated capacity at the Facility.

The proposed project, under Option 4, would generate approximately 36,100 gpd. Therefore, implementation of the proposed project would have a less than significant impact on the Facility. **(Less Than Significant Impact [Same as Approved Project])**

4.17.2.3 *Storm Drainage System*

Under existing conditions, approximately 33,815 square feet (75 percent) of the project site is covered with impervious surfaces. Under project conditions, 97 percent of the project site would be

[58] Personal Communication – Mountsier, Dan. Chandler Pratt & Partners. May 26, 2013.

covered with impervious surfaces. Implementation of the project would result in a 22 percent increase in impervious surfaces at the project site which would result in an increase in stormwater runoff.

The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. For these reasons, implementation of the proposed project (under Option 4) would have a less than significant impact on the City's storm drainage system.
(Less Than Significant Impact [Same as Approved Project])

4.17.2.4 *Solid Waste*

The proposed project would increase the total solid waste generated by the project site. The proposed project, under Option 4, would conform to the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that the project would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population. Implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity.
(Less Than Significant Impact [Same as Approved Project])

4.17.3 Conclusion

Consistent with the conclusion for Options 1 and 2, the proposed project under Option 4 would not result in any utility or service facility exceeding current capacity or require the construction of new infrastructure or service facilities. **(Less Than Significant Impact [Same as Approved Project])**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐	1,2,9
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐	1,2,6,7, 16
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1-14
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-14

4.18.1 Project Impacts

As discussed in the individual sections of this document, the proposed project (under Option 4) would not result in new significant impacts or a substantial increase in the severity of previously identified impacts. With the implementation of the City's General Plan policies, and Standard Permit Conditions, the proposed project (under Option 4) would not result in significant impacts to

aesthetics, agricultural and forest resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, transportation or utilities and service systems.

With implementation of the mitigation measures included in the project and described in Sections 4.4, *Biological Resources* and 4.8, *Hazardous Materials* the proposed project Option 4 would not result in significant adverse environmental impacts.
(Less Than Significant Impact with Mitigation [Same as Approved Project])

4.18.2 Short-term Environmental Goals vs. Long-term Environmental Goals

The project site is currently developed with unused vacant commercial buildings. The project proposes to redevelop the site with residential and retail/commercial uses consistent with the long-term goals for the site in accordance with the General Plan. The construction of the project would result in the temporary disturbance of developed land as well as irreversible and irretrievable commitment of resources during construction, it is anticipated that these short-term effects would be substantially off-set by the long-term improvement of the infill site. With implementation of the mitigation measures included in the project and described in Sections 4.3, *Air Quality* and 4.4, *Biological Resources* and compliance with City General Plan policies, the proposed project would not result in significant adverse environmental impacts.
(Less Than Significant Impact with Mitigation [Same as Approved Project])

4.18.3 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The list of cumulative projects and resulting cumulative impacts under Option 4 are consistent with those of Options 1 and 2 in the 2013 IS/MND.

The biological resources impact is identified as temporary, would be mitigated and is unrelated to other properties. The proposed project under Option 4 would not have a cumulatively considerable contribution to a cumulative impact on biology in the project area.

The hazardous material impacts from implementation of the project would be mitigated and would have no connection or contribution to hazardous materials conditions on other properties; the proposed project would not have a cumulatively considerable contribution to cumulative hazardous materials impacts in the project area.

The impacts associated with the Whole Foods Market project (under construction most of 2014, and recently opened in December 2014) was assumed as part of the project TIA. The Diridon Station Area Plan (DSAP) is a recently adopted land use plan that includes the proposed project site. The

DSAP traffic was assumed in the background of the proposed project TIA. As documented in the TIA, the project would not result in any significant cumulative transportation impacts. **(Less Than Significant Impact [Same as Approved Project])**

4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. Implementation of mitigation measures would, however, reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation [Same as Approved Project])**

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